

U.S. Department of  
Homeland Security

United States  
Coast Guard



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# Military Separations

**COMDTINST M1000.4**

**November 2016**

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U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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COMDTCHANGENOTE 1000  
10 Nov 2016

COMMANDANT CHANGE NOTICE 1000

Subj: CH-3 TO MILITARY SEPARATIONS, COMDTINST M1000.4

- Ref:
- (a) Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series)
  - (b) Coast Guard Pay Manual, COMDTINST M7220.29 (series)
  - (c) Physical Disability Evaluation System, COMDTINST M1850.2 (series)
  - (d) Coast Guard Medical Manual, COMDTINST M6000.1 (series)
  - (e) Discipline and Conduct, COMDTINST M1600.2 (series)
  - (f) Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series)
  - (g) Military Justice Manual, COMDTINST M5810.1 (series)
  - (h) Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series)
  - (i) Reserve Policy Manual, COMDTINST M1001.28 (series)
  - (j) Administrative Investigations Manual, COMDTINST M5830.1 (series)
  - (k) Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series)
  - (l) Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series)
  - (m) Military Bonus Programs, COMDTINST M7220.2 (series)
  - (n) Coast Guard Recruiting Manual, COMDTINST M1100.2 (series)
  - (o) Personnel and Pay Procedures Manual, PPCINST M1000.2 (series)
  - (p) Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)
  - (q) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)
  - (r) Continued Health Care Benefit Program, COMDTINST 1760.7(series)
  - (s) Military Civil and Dependent Affairs, COMDTINST M1700.1 (series)
  - (t) Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series)
  - (u) Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series)

DISTRIBUTION – SDL No. 168

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NON-STANDARD DISTRIBUTION:

COMDTCHANGENOTE 1000

1. PURPOSE. This Commandant Change Notice publishes a change to Military Separations, COMDTINST M1000.4.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Commandant Change Notice. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Military Separations, COMDTINST M1000.4, is updated.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. The following summarizes the significant changes to military separations policy included in this Commandant Change Notice:
  - a. COMDT COGARD Washington DC 291230Z Aug 14/ALCOAST 362/14 announced policy changes regarding sexual assault. Articles 1.A.14.c.(5) and 1.B.17.b.(6) have been added to address the consequences to officers and enlisted members, respectively, due to convictions of sexual misconduct.
  - b. To support the normal assignment season and promote stability in the workforce and unit operations, COMDT COGARD Washington DC 041920Z Dec 13/ALCOAST 516/13 updated the timeframes for planned retirements and retiring or separating in lieu of orders. Articles 1.A.22. and 1.B.38. have been added to establish the timeframe for officers and enlisted members, respectively, separating in lieu of executing orders (SILO); Articles 1.C.9. and 1.C.11. have been updated to reflect the time frame for planned voluntary retirement and retirement in lieu of executing orders (RILO) for officers and enlisted members, respectively.
  - c. COMDT COGARD Washington DC 072054Z Mar 14/ALCOAST 093/14 announced enlisted members who do not meet reenlistment standards are not entitled to a reenlistment board. Enlisted members who do meet reenlistment standards, but are not recommended for reenlistment, are still entitled to a reenlistment board per Article 1.B.5.c.
  - d. Policy regarding the Second Chance Program has been relocated from previous Article 1.B.1.a. to a new Article 1.B.39. In addition, this policy has been updated to reflect that the first-level flag officer/SES's retention authority for alcohol incidents was eliminated by COMDT COGARD Washington DC 041842Z Apr 14/ALCOAST 146/14. Alcohol incidents and sexual misconduct were added as exclusions from the Second Chance Program retention authority, and the policy has been clarified as not being applicable to recruits and members enrolled in an officer accession program.
  - e. COMDT COGARD Washington DC 052018Z Jun 14/ALCOAST 258/14 announced the transition to a CG PSC directive (subsequently promulgated as the Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)) for procedures and guidance applicable to certain administrative boards. The policy changes of ALCOAST 258/14 as well as other conforming changes, including the removal of procedural information now found in the CG PSC directive, have been incorporated.

- f. Added criteria for discharge for misconduct, for commission of a serious offense, under Article 1.B.17.b.(3) for the following:
  - (1) Members who engage in drunken or impaired operation of a vehicle, aircraft, or vessel in accordance with COMDT COGARD Washington DC 041842Z Jun 14/ALCOAST 258/14.
  - (2) Use of unsuitability as a basis for discharge is prohibited for members who commit serious offenses, such as domestic violence, while under the influence of alcohol.
- g. Several definitions in Article 1.B.1.f. have been revised or added to support the thorough redrafting of the policy related to uncharacterized discharges found in Article 1.B.19.
- h. New Article 1.B.40. has been added, implementing a recommendation by the Sexual Assault Prevention Council that was chartered by the Vice Commandant. This policy provides the opportunity for the review by Commander (CG PSC-c) of the proposed involuntary separation of an enlisted member who previously made an unrestricted report of sexual assault.
- i. Article 1.B.1.a. has been revised to update and consolidate most of the enlisted discharge authorities, otherwise reserved for Commander, Personnel Service Center (CG PSC), that may be exercised by certain officers in command.
  - (1) The previously approved authority of the Superintendent, Coast Guard Academy, regarding members enlisted under the Coast Guard Academy Scholar Program was incorporated. Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series), has been added as new Reference (u).
  - (2) Specific authorities governing recruit discharges vested in Commanding Officer, Training Center Cape May, were previously found in military separations policy in Article 1.B.12. (Convenience of the Government), Article 1.B.14. (Disability), Article 1.B.17. (Misconduct), and Article 1.B.19. (Uncharacterized Discharges). These various authorities have been combined within Article 1.B.1.a., with broadened authority to award characterized discharges, and in certain circumstances expanded (e.g., involvement with drugs after enlistment, rather than just pre-enlistment drug use detected by urinalysis) to cover enlisted members throughout their status as recruits.
- j. The separation criteria in Article 1.B.9.c. related to enlisted evaluations prior to 30 June 1983 has been deleted as it is no longer applicable to any current Service members. (Other references throughout Article 1.B. to the old performance appraisal system will be removed in a future change or revision.)
- k. Retention of members beyond their enlistment end date has been clarified in Article 1.B.11.j.
- l. Clarification was added in Article 1.B.12.a. indicating that members separated for the convenience of the Government are not entitled to an administrative discharge board, except when unsatisfactory performance is the basis for initiating separation proceedings and otherwise eligible.
- m. Members discharged for obesity are no longer required to surrender their uniforms (removed from Article 1.B.12.g.), an action considered overly punitive in certain cases where it is possible for an otherwise good performer to later regain compliance and reenter the Service.

- n. The sample memoranda for requesting voluntary retirement have been deleted from old Articles 1.C.9.a.(9) and 1.C.11.a.(5) because updated templates may be found on the Commanders (CG PSC-OPM-1) and (CG PSC-EPM-1) web sites, respectively.
  - o. Miscellaneous updates have been made within the changed articles to correct references cited in sample memoranda and outdated or erroneous staff symbols, and to reflect that discharge certificates are now only issued for an honorable discharge.
6. IMPACT ASSESSMENT. This Commandant Change Notice does not impose new tasking or change existing tasking to Coast Guard commands.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
- a. The development of this Commandant Change Notice and the general policies contained within it have been thoroughly reviewed by the originating office and are categorically excluded under current Coast Guard categorical exclusion #1 and #33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
  - b. This Commandant Change Notice will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Commandant Change Notice must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 Code of Federal Regulations Parts 1500-1508, Department of Homeland Security and Coast Guard NEPA policy, and compliance with all other environmental mandates.
8. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. PROCEDURE. If maintaining a paper library, remove and replace the following sections of Military Separations, COMDTINST M1000.4:

<u>Remove</u>	<u>Replace</u>
Record of Changes	Record of Changes, CH-3
Table of Contents, CH-2	Table of Contents, CH-3
Pages 1-21 – 1-22	Pages 1-21 – 1-22,
Pages 1-39 – 1-40	Pages 1-39 – 1-40,
Pages 1-55 – 1-58	Pages 1-55 – 1-58,
	Pages 1-58A – 1-58B,
Pages 1-67 – 1-70	Pages 1-67 – 1-70,
Pages 1-77 – 1-82	Pages 1-77 – 1-82,
Pages 1-85 – 1-96	Pages 1-85 – 1-96,
Pages 1-101 – 1-108	Pages 1-101 – 1-108,
	Pages 1-108A-108B
Pages 1-115 – 1-122	Pages 1-115 – 1-122,
	Pages 1-138A – 1-138B,
Pages 1-153 – 1-164	Pages 1-153 – 1-164

10. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
11. FORMS/REPORTS. The forms referenced in this Commandant Change Notice and in Military Separations, COMDTINST M1000.4, are available in USCG Electronic Forms on the Standard Workstation or on the Internet at <http://www.uscg.mil/forms/>; CG Portal at <https://cgportal2.uscg.mil/library/forms/SitePages/Home.aspx>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.
12. REQUEST FOR CHANGES. Recommendations for changes or improvements to Military Separations, COMDTINST M1000.4 (series), are welcome and should be submitted via the chain of command to the Office of Military Personnel, Policy and Standards Division, Commandant (CG-1331), at [HQS-PolicyandStandards@uscg.mil](mailto:HQS-PolicyandStandards@uscg.mil).

KURT B. HINRICHS /s/  
Rear Admiral, U.S. Coast Guard Reserve  
Director of Reserve and Military Personnel

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United States Coast Guard

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COMDTCHANGENOTE 1000  
14 JUN 2016

COMMANDANT CHANGE NOTICE 1000

Subj: CH-2 TO MILITARY SEPARATIONS, COMDTINST M1000.4

1. PURPOSE. This Commandant Change Notice publishes a change to Military Separations, COMDTINST M1000.4.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Commandant Change Notice. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Military Separations, COMDTINST M1000.4, is updated. Temporary Separations, COMDTINST M1040.6 (series) is promulgated at the same time.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. Chapter 1.E. of this Manual has been moved to its own directive, Temporary Separations, COMDTINST M1040.6 (series).
6. IMPACT ASSESSMENT. This Commandant Change Notice does not impose new tasking or change existing tasking to Coast Guard commands.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
  - a. The development of this Commandant Change Notice and the general policies contained within it have been thoroughly reviewed by the originating office and are categorically excluded under current Coast Guard categorical exclusions #1 and #33 from further

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NON-STANDARD DISTRIBUTION:

environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).

b. This Commandant Change Notice will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Commandant Change Notice must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 Code of Federal Regulations Parts 1500-1508, Department of Homeland Security and Coast Guard NEPA policy, and compliance with all other environmental mandates.

8. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. PROCEDURE. If maintaining a paper library, remove and replace the following sections of Military Separations, COMDTINST M1000.4:

<u>Remove</u>	<u>Replace</u>
Record of Changes	Record of Changes
Table of Contents	Table of Contents
Pages 1-177 – 1-198	Pages 1-177- 1-178

10. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.

11. FORMS/REPORTS. The forms referenced in this Commandant Change Notice and in Military Separations, COMDTINST M1000.4, are available in USCG Electronic Forms on the Standard Workstation or on the Internet at <http://www.uscg.mil/forms/>; CG Portal at <https://cgportal2.uscg.mil/library/forms/SitePages/Home.aspx>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.

12. REQUEST FOR CHANGES. Recommendations for changes or improvements to Military Separations, COMDTINST M1000.4 (series), are welcome and should be submitted via the chain of command to the Office of Military Personnel, Policy and Standards Division, Commandant (CG-1331), at [HQS-PolicyandStandards@uscg.mil](mailto:HQS-PolicyandStandards@uscg.mil).

KURT B. HINRICHS /s/  
Rear Admiral, U.S. Coast Guard Reserve  
Director of Reserve and Military Personnel

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U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
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COMDTCHANGENOTE 1000  
23 MAR 2015

COMMANDANT CHANGE NOTICE 1000

Subj: CH-1 TO MILITARY SEPARATIONS, COMDTINST M1000.4

- Ref:
- (a) Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series)
  - (b) Coast Guard Pay Manual, COMDTINST M7220.29 (series)
  - (c) Physical Disability Evaluation System, COMDTINST M1850.2 (series)
  - (d) Coast Guard Medical Manual, COMDTINST M6000.1 (series)
  - (e) Discipline and Conduct, COMDTINST M1600.2 (series)
  - (f) Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series)
  - (g) Military Justice Manual, COMDTINST M5810.1 (series)
  - (h) Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series)
  - (i) Reserve Policy Manual, COMDTINST M1001.28 (series)
  - (j) Administrative Investigations Manual, COMDTINST M5830.1 (series)
  - (k) Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series)
  - (l) Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series)
  - (m) Military Bonus Programs, COMDTINST M7220.2 (series)
  - (n) Coast Guard Recruiting Manual, COMDTINST M1100.2 (series)
  - (o) Personnel and Pay Procedures Manual, PPCINST M1000.2 (series)
  - (p) Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)
  - (q) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1
  - (r) Continued Health Care Benefit Program, COMDTINST 1760.7(series)
  - (s) Military Civil and Dependent Affairs, COMDTINST M1700.1 (series)
  - (t) Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series)

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NON-STANDARD DISTRIBUTION:

COMDTCHANGENOTE 1000

1. PURPOSE. This Commandant Change Notice publishes a change to Military Separations, COMDTINST M1000.4.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Manual. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Military Separations, COMDTINST M1000.4 is updated.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. Chapter 1.F. regarding Enlisted High Year Tenure (HYT) is canceled and replaced by a new Chapter 3, also titled Enlisted High Year Tenure. Almost all parts of HYT have been revised. Reference (t), Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series), has been added.
6. IMPACT ASSESSMENT. This policy does not impose new tasking or change existing tasking to operational commands.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
  - a. The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate.
  - b. This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
8. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites.

Internet: <http://www.uscg.mil/directives/>, and CGPortal:  
<https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. PROCEDURE. If maintain a paper library, remove and replace the following sections of Military Separations, COMDTINST M1000.4.

<u>Remove</u>	<u>Replace</u>
Table of Contents	Table of Contents
Pages 1-199 to 1-204	Chapter 3

10. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been evaluated for potential records management impacts. The development of this Commandant Change Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
11. DISCUSSION. Citation of the word ‘article’ as used in this Manual is in general terms of reference, e.g., to denote paragraph or section, and is not citing CFR, USC, UCMJ, etc. except where so noted.
12. FORMS/REPORTS. None.
13. REQUEST FOR CHANGES. Submit changes to Commandant (CG-1331).

D. A. CALLAHAN /s/  
Rear Admiral, U.S. Coast Guard  
Assistant Commandant for Human Resources

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COMDTINST M1000.4  
29 Sep 2011

COMMANDANT INSTRUCTION M1000.4

Subj: MILITARY SEPARATIONS

- Ref:
- (a) Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series)
  - (b) Coast Guard Pay Manual, COMDTINST M7220.29 (series)
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  - (q) Administrative Separation Board Manual, COMDTINST M1910.2 (series)
  - (r) Continued Health Care Benefit Program, COMDTINST 1760.7(series)
  - (s) Military Civil and Dependent Affairs, COMDTINST M1700.1 (series)

1. **PURPOSE.** This Manual establishes Coast Guard policy and procedures concerning separations and retirements for all military personnel.

DISTRIBUTION – SDL No. 159

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X		X		X					
B		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	X			X	X		
F																	X	X	X							
G		X	X	X	X																					
H																										

NON-STANDARD DISTRIBUTION:

2. **ACTION.** All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Manual. Internet release is authorized.
3. **DIRECTIVES AFFECTED.** Chapters 12 and 17 of the Personnel Manual, COMDTINST M1000.6 (series) are hereby cancelled. The Coast Guard Personnel Manual is being eliminated and reissued as a set of manuals (including this one) which will allow for more expedited review of updates and promulgation of policy changes.
4. **DISCLAIMER.** This document is intended to provide operational requirements for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. **PROCEDURES.** No paper distribution will be made of this Manual. Official distribution will be via the Coast Guard Directives (CGDS) DVD. An electronic version will be located on the following Commandant (CG-612) web sites. Intranet: <http://cgweb.comdt.uscg.mil/CGDirectives/Welcome.htm>, Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal.uscg.mil/delivery/Satellite/CG612>.
6. **BACKGROUND.** This Manual promulgates policy for the separation and retirement (including physical disability retirements) of military members from Coast Guard Service. This policy was previously contained in Chapter 12 and 17 of the Coast Guard Personnel Manual, COMDTINST M1000.6 (series). References to commands and Headquarters offices have been updated to reflect the current Coast Guard organizational structure. Changes to policy in previously issued ALCOAST messages have been incorporated as well as legislatively mandated changes. References to other elements of the legacy Personnel Manual have been updated to reflect the newly promulgated Manuals.
7. **DISCUSSION.** Citation of the word ‘article’ as used in this Manual is in general terms of reference, e.g. to denote paragraph or section, and is not citing CFR, USC, UCMJ, etc except where so noted.
8. **RECORDS MANAGEMENT CONSIDERATIONS.** This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
9. **ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.**
  - a. The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental

Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate.

- b. This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.

10. **FORMS/REPORTS.** The forms referenced in this Manual are available in USCG Electronic Forms on the Standard Workstation or on the Internet: <http://www.uscg.mil/forms/>; CG Portal at <https://cgportal.uscg.mil/delivery/Satellite/uscg/References>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.

R. T. HEWITT /s/  
Assistant Commandant for Human Resources



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## **CHAPTER 1      SEPARATING ACTIVE DUTY PERSONNEL**

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### **1.A.      Separating Active Duty Commissioned and Warrant Officers**

#### **1.A.1.      General**

##### **1.A.1.a.      Continuation of Status**

The President appoints regular Coast Guard and Coast Guard Reserve officers to an indefinite term. Once an individual legally accepts a commission or warrant in the Coast Guard and executes the oath of office, he or she acquires a status which continues until it is legally terminated.

##### **1.A.1.b.      Methods of Separation**

Complete separation from the Coast Guard is accomplished by:

- (1) Acceptance of resignation;
- (2) Dismissal;
- (3) Revocation of commission or warrant;
- (4) Dropping from the rolls;
- (5) Termination until it is legally terminated; or
- (6) Discharge for cause.

##### **1.A.1.c.      Terminating Active Duty**

Terminating active duty (without completely separating from the Coast Guard) includes retirement and a Reserve officer's release to inactive duty. Retirement procedures appear in Article 1.C. of this Manual.

---

### **1.A.2.      Types of Officer Discharges**

#### **1.A.2.a.      General**

This Article discusses the discharge types and detailed procedures approved for Coast Guard officers. Officers who totally separate from the Coast Guard or Coast Guard Reserve while on active duty are entitled to one of the following discharges.

##### **1.A.2.b.      Honorable Discharge**

The Service generally grants an Honorable Discharge to officers under circumstances

which would warrant such a discharge for enlisted members. The following standards govern issuing honorable discharge certificates:

- (1) Acceptance of unqualified resignations as described in Article 1.A.5.a. of this Manual.
- (2) Discharge because of failure selection for promotion.
- (3) Administrative separation for cause for reasons specified in Article 1.A.14.c.(1) of this Manual.
- (4) Other conditions generally resulting in an honorable discharge for enlisted members.

**1.A.2.c. General Discharge**

The Service grants a General Discharge to officers administratively separated for cause if the cause for separation or an officer's previous record would preclude honorable discharge but is not of such a nature as to require discharge under conditions other than honorable; for example:

- (1) Acceptance of resignations submitted in the form described in Article 1.A.5.b. of this Manual.
- (2) Separation for cause for reasons specified in Article 1.A.14.c.(2) of this Manual.

**1.A.2.d. Discharge Under Other Than Honorable Conditions**

The Service generally grants a discharge under other than honorable conditions to officers separated for reasons other than dismissal pursuant to general court-martial sentence if the circumstances prompting separation are deemed counter to traditional naval concepts of "honor," in the following types of situations; for example:

- (1) Acceptance of a resignation to escape dismissal, typically for the good of the Service and submitted in the form described in Article 1.A.5.c. of this Manual.
- (2) Acceptance of a resignation for the good of the Service in lieu of trial by court-martial, submitted in the form described in Article 1.A.5.d. of this Manual.
- (3) Acceptance of a resignation for the good of the Service. Submit this type of resignation in the form described in Article 1.A.5.c. of this Manual.
- (4) Separation of officers for a civil authority conviction on criminal charges except for officers dropped from the rolls under Article 1.A.13. of this Manual.
- (5) Officers dropped from the rolls do not receive a certificate of discharge.

- (6) Separations for other reasons which would warrant a discharge under other than honorable conditions or a bad conduct discharge for enlisted members.

**1.A.2.e. Dismissal Pursuant to General Court-Martial Sentence**

Officers dismissed from the Service pursuant to a sentence of general court-martial do not receive a certificate of discharge. Their only separation document is a letter signed by the Secretary or an authority to which he or she has lawfully delegated the function to inform the officer concerned of his or her trial, conviction, sentence, departmental action on and approval of the sentence, and fact of dismissal. This is the lowest type of separation from the Service, and in all respects equals a dishonorable discharge.

**1.A.2.f. Administrative Separation**

In all cases in which an officer is recommended for administrative separation from the Service, the recommending authority shall also recommend the type of discharge that should be granted under this Article.

**1.A.2.g. Issuing Authority**

Commander (CG PSC-OPM) will determine the type of discharge and direct the Servicing Personnel Office (SPO) to prepare the appropriate discharge certificate in the officer's separation order, either in writing or via message. Under no circumstances will any ship or station ever issue any form of discharge certificate to an individual separated from the Service as a chief warrant or commissioned officer.

---

**1.A.3. Inter-Service Transfers of Regular and Reserve Active Duty Officers**

**1.A.3.a. General**

Per 10 U.S.C. §716, and notwithstanding any other provision of law, any commissioned officers of a uniformed service may be transferred from their uniformed service to, and appointed in, another uniformed service. The following applies:

- (1) The officer must consent to the transfer.
- (2) An officer transferred from the Coast Guard may not be appointed in another service at a higher rank or precedence than that held on the date before transfer.
- (3) Transfers will be made only within authorized strength limitations to officers who have fulfilled their obligated service requirements.

**1.A.3.b. Procedure**

- (1) Normally, an individual officer initiates a transfer by submitting a request through the chain of command to Commander (CG PSC-OPM). A justification of the requested

transfer as being in the interest of national security and the individual officer must accompany all requests.

- (2) Commander (CG PSC-OPM) will indicate concurrence or disagreement and send the request to the Department of Defense.
  - (3) If the Coast Guard and Department of Defense approve the request, the two affected Services will terminate the officer's current commission and reappoint him or her in the other Service without interrupting the continuity of his or her total military service.
  - (4) An officer transferred under this Article is placed on the receiving Armed Force's applicable promotion or lineal list in an appropriate position as determined by the amount of promotion list service he or she earned in his or her parent Service on the day before transfer. Grade and date of rank are determined by applying the amount of promotion list service to the appointment laws in effect for the Service to which the officer is transferring.
  - (5) An officer transferred under this Article is credited with the unused leave which he or she was credited at the time of transfer and the total military service with which he or she was credited on the day before transfer.
- 

#### **1.A.4. Resignations**

##### **1.A.4.a. General**

Regular and reserve officers retain their commission at the pleasure of the President. This Article lists the criteria to voluntarily terminate an officer's status as deemed necessary for current Service requirements and the needs of the officer corps.

##### **1.A.4.b. Submitting Requests to Resign**

Officers must submit voluntary requests to resign in writing to Commander (CG PSC-OPM) through the chain of command. Commander (CG PSC-OPM) carefully notes the immediate commanding officer's comments, which should contain pertinent facts or reasons that underlie the request. To receive an acknowledgment the request was received, provide your e-mail address in the letter and indicate you would like to receive acknowledgement the request was received.

##### **1.A.4.c. Deadline**

An officer may submit an unqualified request to resign (See Article 1.A.5.a. of this Manual.) not more than two years in advance but in sufficient time to reach Commander (CG PSC-OPM) six months before the requested resignation date. Exceptions to these time limits may be granted in hardship cases. Due to shortages that may occur in specialized communities, depending on the timing of resignation requests, approved

separation dates may be up to 12 months from the date of the request should the needs of the Service require.

**1.A.4.d. Acceptance**

A resignation has no effect until competent authority accepts it. Upon receiving and acknowledging a request for resignation, Commander (CG PSC-OPM) establishes the terminal date and supplies the officer with an information letter and accounting data pending final acceptance by the Secretary of Homeland Security on behalf of the President.

**1.A.4.e. Denying a Request**

Except in very unusual circumstances, Commander (CG PSC-OPM) will not accept an officer's resignation under these conditions:

- (1) The officer has not completed active obligated service.
- (2) The officer has not completed one year at his or her INCONUS (in the continental United States) or two years at his or her OUTCONUS (out of the continental United States) duty station.
- (3) A state of emergency exists during which Service needs clearly preclude accepting a resignation.
- (4) Commander (CG PSC-OPM) issued orders to duty outside the continental limits of the United States before receiving the letter tendering a resignation.

**1.A.4.f. Request for Reserve Commission**

An officer whose resignation is accepted and who has no obligation under 10 U.S.C. § 651 is not required to accept a Coast Guard Reserve appointment. However, officers whose service has been satisfactory are encouraged to do so, since Reserve service will be desirable for the Coast Guard and advantageous to the individual. All officers requesting resignation shall state whether or not they desire a Coast Guard Reserve commission. Requests for Reserve Commissions should be submitted to Commander (CG PSC-RPM). To ensure there is no break in service, requests should be submitted at least 120 days prior to discharge. Once the officer has been appointed by the Secretary of Homeland Security and has executed the Acceptance and Oath of Office, Form CG-9556, the Servicing Personnel Office (SPO) should ensure the member is accessed into the Reserve in accordance with the Coast Guard Servicing Personnel Office Manual, PPCINST M5231.3 (series).

**1.A.4.g. Temporary Officers**

An enlisted member serving as a temporary commissioned officer who resigns and has no obligation under 10 U.S.C. §651 will be discharged. Should a temporary officer who has

an obligation under 10 U.S.C. § 651 be granted a resignation, he or she will be given the choice of either a Reserve commission followed by release to inactive duty or reversion to permanent status and transfer to the Reserve to complete the required service. Temporary officers who resign their commission are encouraged to accept a commission in the Coast Guard Reserve.

**1.A.4.h. Withdrawing a Request**

Based on Service needs, Commander (CG PSC-OPM) may grant the officer concerned approval to withdraw a request to resign; however, the officer must acknowledge in writing that he or she understands that he or she will be required to complete a minimum of two (2) years active duty from the date of cancellation.

**1.A.4.i. Disapproving a Request**

The Commandant may decide to retain officers on active duty beyond their requested resignation date based on Service needs.

---

**1.A.5. Forms of Officers' Resignations**

**1.A.5.a. Unqualified Resignation**

- (1) The Coast Guard is interested in the reasons why an officer voluntarily separates from the Service and a Coast Guard career. Therefore, it is important for an officer submitting his or her resignation to state precisely the reasons for doing so. If an officer desires to resign to attend school, enter business, or accept a position in civilian life, he or she should say so. If an officer is resigning because he or she thinks his or her chances for promotion in the Service are poor, the pay is inadequate, or the deprivation of home life is excessive, he or she should state these reasons as well.
- (2) The format in which to submit an unqualified resignation is:
  - (a) I hereby submit my resignation from the United States Coast Guard and request its acceptance effective [date].
  - (b) State reasons for resigning commission.
  - (c) I have been informed and understand if my request to resign is accepted, I subsequently shall receive a certificate of honorable discharge from the Coast Guard.
  - (d) I [do/do not] desire a commission in the U.S. Coast Guard Reserve. I understand to receive retired pay at age 60, I must complete at least 20 years' satisfactory Federal service, the last eight years of which must be qualifying service as a Reserve component member in compliance with 10 U.S.C. §12731.

- (3) Officers requesting voluntary, unqualified resignation may also be eligible for Temporary Separation described in Section 1.E. Officers are encouraged to become familiar with the provisions of Article 1.E. of this Manual prior to submission of a request for voluntary, unqualified resignation.

**1.A.5.b. Qualified Resignation if General Discharge Follows**

An acceptable form for submitting this type of resignation is:

“I hereby submit my resignation from the United States Coast Guard and request its acceptance. I have been informed and understand if my resignation is accepted, I will receive a certificate of general discharge. Although the Coast Guard considers this separation to be under honorable conditions, I understand it is not the highest qualitative type of separation provided for Coast Guard officers; and, while I will be entitled to the major portion of veterans’ rights and benefits presently authorized former officers whose service has been similar to mine, if any present or future statute specifically requires honorable discharge as a condition of granting rights or benefits, my eligibility for them may be at least doubtful.”

**1.A.5.c. Resignation for the Good of the Service**

An acceptable form for submitting this type of resignation is:

“I hereby submit my resignation from the United States Coast Guard for the good of the Service and request its acceptance. I have been informed and understand if my resignation for the good of the Service is accepted, I will receive a discharge under other than honorable conditions; I may be deprived of substantial rights, benefits, and bounties Federal or State legislation confers or hereafter may confer on persons with honorable service in the Armed Forces of the United States; and I may expect to encounter substantial prejudice in civil life in situations in which the nature of service rendered in or character of separation from the Armed Forces may have a bearing.”

**1.A.5.d. Resignation in Lieu of Trial before a General Court-Martial**

(1) The usual form for submitting this type of resignation is:

“I hereby submit my resignation from the United States Coast Guard for the good of the Service and in lieu of trial before a general court-martial. I have been informed and understand if my resignation for the good of the Service and in lieu of trial by general court-martial is accepted, I subsequently may receive a discharge under other than honorable conditions; I may be deprived of substantial rights, benefits, and bounties Federal or State legislation confers or later may confer on persons with honorable service in the Armed Forces of the United States; and I may expect to encounter substantial prejudice in civil life in

situations in which the nature of service rendered in or the character of separation from the Armed Forces may have a bearing.”

- (2) As the form of the resignation indicates, the officer concerned submits it as an alternative to facing trial before a general court-martial and to preclude the possibility such a trial might result in conviction, with ensuing sentence perhaps extending to dismissal from the Service and imprisonment. Whenever practical, an officer desiring to submit such a resignation should be given a receipted copy of the charges and specifications preferred; or, if they actually have not been preferred, should receive a receipted set of sample charges and specifications alleging offenses for which the officer might be brought to trial. Further, it is usually required prior to permitting an officer to resign in this manner he or she submit with the resignation a complete, detailed confession to the offense(s) at issue.
  - (3) It is desirable for a psychiatrist, or a medical officer if a psychiatrist is not conveniently available, to submit for the case record a statement with his or her professional observations and impressions of the apparent mental and physical condition of the officer submitting the resignation.
  - (4) Officers whose resignations for the good of the Service and in lieu of trial before a general court-martial are accepted may be awarded a discharge under other than honorable conditions.
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## **1.A.6. Releasing Reserve Officers to Inactive Duty**

### **1.A.6.a. Conditions for Approval**

Commander (CG PSC-OPM) will approve a request for release to inactive duty (RELAD) or early release from a Reserve officer who has not fulfilled his or her active duty obligation only under the conditions listed below. Reserve officers serving under an active duty agreement normally must complete the period of active duty specified by the agreement.

- (1) When a specific program for early releases applicable to all Reserve officers within a group has been approved, or;
- (2) When the needs of the Service clearly would be served by approving the request, or;
- (3) When a hardship of extreme degree exists which the officer's early release can alleviate.

### **1.A.6.b. Automatic Release**

Reserve officers not serving under active duty agreements and who have no outstanding obligation for continued active service will be released automatically to inactive duty when their period of active duty expires. This includes officers who have greater than

eight but less than 18 years total service. Commander (CG PSC-OPM) normally issues release orders four months in advance.

**1.A.6.c. PCS Obligated Service**

Members assigned to INCONUS units are required to complete a minimum of one year at that unit before Commander (CG PSC-OPM) will consider them eligible for voluntary release. Members assigned to OUTCONUS units are required to complete a minimum of two years at that unit before Commander (CG PSC-OPM) will consider them eligible for voluntary release.

**1.A.6.d. Release of RPAs**

Officers whose RPA designation has been removed under Article 1.B.3.i. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), will be released to inactive duty.

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**1.A.7. Involuntary Release of Ready Reserve Officers**

- (a) At any time, the Commandant may release a Reserve officer involuntarily to inactive duty. Commanding officers or other officers in the chain of command may recommend an involuntary release from active duty of a Reserve officer in their command in the form of a CG Memorandum to Commander (CG PSC-OPM) containing the following information:
- (1) Officer's name,
  - (2) Length of service,
  - (3) Period of time officer was observed,
  - (4) Reason for recommendation,
  - (5) Specific facts or circumstances relating to performance in chronological order,
  - (6) Medical reports or opinions, if applicable,
  - (7) Nature of counseling and other steps taken to correct deficiencies, if applicable,
  - (8) Officer's response to counseling, if applicable, and
  - (9) Special Officer Evaluation Report, if applicable.
- (b) The recommending officer shall grant the officer concerned an opportunity to review the recommendation and permit him or her to comment as desired by memorandum endorsement. If Commander (CG PSC) initiates the action, the candidate shall be

advised in writing of the contemplated actions and the reasons therefore and given the opportunity to communicate to the special panel in writing via the chain of command. Any comments made by members in the chain of command shall be furnished to subject officer and subject officer shall be given 10 calendar days to respond to those comments.

- (c) A panel of senior officers as described in Article 1.A.10.b.(3) of this Manual shall review the recommendation. After thoroughly reviewing the officer's record, the panel recommends to the Commandant either releasing the officer or closing the case.
  - (d) Commander (CG PSC-OPM) sends the panel's recommendations to the Commandant for approval, modification, or disapproval (14 U.S.C. §281).
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### **1.A.8. Discharging Ready Reserve Officers on Active Duty**

When it is necessary to recommend a Reserve officer serving on active duty for discharge from the U. S. Coast Guard Reserve, the following guidance applies.

- a. Reserve officers with fewer than five years commissioned service being considered for an honorable discharge for the reasons in Article 1.A.14.c.(1) of this Manual will be processed as outlined in Article 1.A.10.b. of this Manual. Commander (CG PSC-RPM) will serve as a member of the panel of officers established in Article 1.A.10.b. of this Manual.
  - b. Reserve officers with fewer than five years commissioned service being considered for a general discharge for reasons contained in Article 1.A.14.c.(2) of this Manual will be processed by a single, special board of officers guided by the applicable procedures outlined in Article 1.A.14.h. of this Manual. A Reserve officer shall serve as a member of the board.
  - c. All Reserve officers with at least five years commissioned service being considered for discharge will be processed using the three-board process described in Article 1.A.14. of this Manual. A Reserve officer shall serve as a member of each board if possible.
  - d. Reserve officers discharged due to board action or at their request in lieu of board action receive an honorable discharge if Article 1.A.14.c.(1) of this Manual applies and a general discharge if Articles 1.A.14.c.(2) or 1.A.14.c.(3) of this Manual applies. Determine the amount of separation pay, if entitled, by computing years of service and basic pay as defined in reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series).
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### **1.A.9. Physical Examination**

#### **1.A.9.a. Terminology**

The term “unfit for continued service” is used in this Article rather than “not fit for duty.” “Not fit for duty” is a local medical term meaning the member is unable to perform the immediate duties to which assigned for a short period of time. A finding of “not fit for duty” does not qualify the member for processing in the Physical Disability Evaluation System (PDES), and does not mean the member is not qualified for separation. A member could be “not fit for duty” and still be separated if the existing impairment does not lead to a physical disability as defined in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), unless Commander (CG PSC-OPM) or (CG PSC-EPM) with the advice of Commander (CG PSC-PSD-mr) considers it necessary to correct a physical defect. “Unfit for continued service” means a physical disability exists which renders the member unfit to perform the duties of his or her office, grade, rank, or rating. This determination can be made only through the PDES and could lead to the member’s separation, except as provided in Article 2.A.2. of this Manual.

**1.A.9.b. Requirement**

An officer being separated shall schedule any necessary physical examination so it is completed at least 60 days before the effective date of separation or release, although Commander (CG PSC-OPM) will not delay a separation or release date solely because the officer failed to complete a scheduled physical examination. A scheduled separation or release date may be delayed only if a question exists about a member’s unfitness for continued service so as to require convening a medical board under reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), or if serious disease or injury intervenes. The district commander or commanding officer of the Headquarters unit concerned will issue any travel orders necessary to obtain a physical examination.

**1.A.9.c. Exemption**

If an officer has had a physical examination within one year of separation or release, a physical examination is not required before separation (e.g., retirement, resignation, or discharge) or release to inactive duty.

**1.A.9.d. Physical Disability Evaluation System (PDES)**

If an officer enters the Physical Disability Evaluation System (PDES) or serious disease or injury intervenes before a scheduled separation or release, the command shall inform Commander (CG PSC-OPM-1) and (CG PSC-PSD-mr) expeditiously by message or memorandum, which if necessary shall include a request for an appropriate delay in the officer’s separation or release date. Delays of not more than 30 days will be granted at a time.

**1.A.9.e. Delaying Separation**

An officer’s separation for hospitalization, medical observation, or PDES processing may be delayed only if the officer involved consents. If the officer withdraws that consent in

writing, Commander (CG PSC-OPM) shall separate the officer not later than 60 days from the date such notice was received (14 U.S.C. §295).

**1.A.9.f. Action upon Physical Examination Results**

This general guidance addresses various outcomes of a physical examination for separation or release.

- (1) If an officer is found qualified for separation or release the officer is processed for separation or release as scheduled.
- (2) If an officer is found qualified for separation or release and disagrees with the finding, Commander (CG PSC-OPM) and (CG PSC-PSD-mr) shall be notified immediately.
- (3) If a question exists about an officer’s unfitness to perform duties Commander (CG PSC-OPM) and (CG PSC-PSD-mr) shall be notified immediately by message or letter. The officer shall then be processed under reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), Chapter 3.
- (4) If a question exists about an officer’s unfitness to perform duties and he or she still desires to separate, comply with Article 1.C.3.b. of this Manual.
- (5) The following chart illustrates these guidelines.

<b>Finding of Physical Examination</b>	<b>Member Agrees</b>	<b>Member Disagrees</b>	<b>Officer’s Command Takes This Action</b>
Fit for Duty	X		Send Report of Medical Examination, Form DD-2808, and Chronological Record of Service, Form CG-4057 to Commander (CG PSC-OPM), who issues separation orders.
Fit for Duty		X	Notify Commander (CG PSC-OPM) and comply with Article 3-B-5 of reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series).
Unfit for Continued Service	X		Notify Commander (CG PSC-OPM) and comply with Chapter 3 of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series).
Unfit for Continued Service		X	Comply with Article 1.C.3., Military Separations, COMDTINST M1000.4 (series).

**1.A.10. Revoking Regular Officers' Commissions in Their First Five Years of Service****1.A.10.a. General**

- (1) The Service considers the first five years of an officer's career a probationary period during which he or she demonstrates ability to adapt to the requirements of Coast Guard life and shows capability for future development. Some officers either are unable to adapt to service life or their performance indicates it is doubtful whether the time and effort required will form them into effective officers.
- (2) The authority to revoke an officer's commission under this Article is not designed for use when court-martial or separation for cause proceedings would be more appropriate.

**1.A.10.b. Procedure**

- (1) A commanding officer or a superior in the chain of command may recommend revoking the commission of an officer who has fewer than five years of continuous service as a Coast Guard commissioned officer. Commander (CG PSC-OPM) also may initiate board action to revoke an officer's regular commission based on knowledge of adverse information about the officer. A commanding officer or superior in the chain of command shall recommend revocation in the form of a letter to Commander (CG PSC-OPM) containing the following information.
  - (a) Officer's name;
  - (b) Length of service;
  - (c) Period of time officer was observed;
  - (d) Reason for recommendation;
  - (e) Specific facts or circumstances relating to performance;
  - (f) Medical reports or opinions, if applicable;
  - (g) Nature of counseling and other steps taken to correct deficiencies;
  - (h) Officer's response to counseling;
  - (i) Special Officer Evaluation Report, if applicable.
- (2) The recommending officer shall grant the officer concerned an opportunity to review the recommendation and permit him or her to comment as desired by letter endorsement. If Commander (CG PSC) initiates the action, the candidate shall be

advised in writing of the contemplated actions and the reasons therefore and given the opportunity to communicate to the special panel in writing via the chain of command. Any comments made by members in the chain of command shall be furnished to subject officer and subject officer shall be given 10 calendar days to respond to those comments.

- (3) A panel of three officers, normally consisting of the Coast Guard Personnel Service Center's Chief, Officer Personnel Management Division; and two senior officer representatives from Commandant (CG-131) or Commander (CG PSC-RPM) in cases of Active Duty Reserve Officers per Article 1.A.8.a. of this Manual) with cognizance of the officer's specialty shall review the recommendation. In the case of an RPA, at least one member of the panel of officers will be an RPA. Adjustments to the panel membership may be made as necessary to represent the officer's gender or ethnic background. After thoroughly reviewing the officer's Headquarters Personnel Data Record (PDR) and associated documents, the panel recommends to the Commandant either executing the revocation proceedings under this Article or closing the case. Closing an officer's case does not preclude considering a subsequent recommendation to revoke his or her commission if additional facts or subsequent actions so warrant.
- (4) Commander (CG PSC-OPM) sends the panel's recommendations to the Commandant for approval, modification, or disapproval (14 U.S.C. §281).
- (5) Nothing contained in this Article shall prevent the court-martial of any officer in appropriate circumstances.

**1.A.10.c. Separation**

Officers whose commissions are revoked under this Article shall be discharged not later than three months from the date the panel report is approved; however, if the officer will have accumulated five years' commissioned service during this three-month time frame, the officer will be discharged not later than the day prior to the day the officer accumulates that service.

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**1.A.11. Vacating a Temporary Appointment**

**1.A.11.a. Authority**

The appointing officer may vacate a temporary appointment made under Article 1.A.3.c. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), at any time. An officer whose appointment is so vacated reverts to his or her permanent status (14 U.S.C. §214 (c)).

**1.A.11.b. Procedure**

- (1) A commanding officer or a superior in the chain of command may recommend vacating any temporary officer's appointment to Commander (CG PSC-OPM).

Commander (CG PSC-OPM) also may initiate board action to vacate an officer's temporary commission based on adverse information about the officer. Article 1.A.10. of this Manual sets forth the criteria and procedure to vacate a temporary officer's appointment.

- (2) If Service needs dictate, the Commandant may vacate the appointment of temporary officers without regard to the criteria of Article 1.A.10. of this Manual. In this circumstance, he or she will consider all officers with temporary commissions. An officer whose appointment is so vacated reverts to his or her permanent status.
- (3) At his or her sole discretion, the Commandant may vacate the commission of temporary officers who have completed physician assistant training but fail to attain certification from the National Commission of Certification of Physician Assistants during their first two years of commissioned service, or subsequently fail to maintain this certification. An officer whose appointment is so vacated reverts to his or her permanent status.

## **1.A.12. Failing Selection for Promotion or Continuation**

### **1.A.12.a. Chief Warrant Officers**

Article 3.B.4.c. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), if a chief warrant officer fails selection for promotion for the second time.

### **1.A.12.b. Ensigns**

If during an ensign's first three years of commissioned service, a selection board for promotion to lieutenant (junior grade) determines his or her performance is unsatisfactory or he or she fails selection for promotion a second time, irrespective of the provisions of Articles 1.A.10. and 1.A.11. of this Manual, the Commandant may revoke the ensign's commission or vacate a temporary appointment in accordance with 14 U.S.C. §281, 14 U.S.C. §214(e), or 10 U.S.C. §1162, as applicable.

### **1.A.12.c. Lieutenants (Junior Grade)**

Each permanent regular Coast Guard officer serving as a lieutenant (junior grade) who fails selection for promotion to lieutenant for the second time shall:

- (1) Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs, or
- (2) If he or she so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on the date specified in Article 1.A.12.c.(1) of this Manual, or

- (3) If on the date specified for discharge in this Article, the member is eligible for retirement under any law, retire on that date (14 U.S.C. §282).

**1.A.12.d. Lieutenants**

- (1) Each permanent regular Coast Guard officer serving in the permanent grade of lieutenant who has failed selection for promotion to lieutenant commander for the second time shall:
  - (a) Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs, or
  - (b) If the member so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on that date under Article 1.A.12.d.(1)(a) of this Manual, or
  - (c) If on the date specified for discharge in this Article, the member is eligible for retirement under any law, retire on that date, or
  - (d) If, on the date specified for discharge in Article 1.A.12.d.(1)(a) of this Manual, the member has completed at least 18 years of active service, remain on active duty and retire on the last day of the month in which he or she completes 20 years of active service, unless earlier removed under another provision of law.
- (2) If Service needs require, the Commandant may direct a selection board convened under Article 6.B.1.a. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), to recommend for continuation on active duty for terms of between two and four years a designated number of permanent regular lieutenants who otherwise would be discharged or retired under this Article. When so directed, the board shall recommend for continuation on active duty the officers under consideration who it believes are best-qualified for continuation. With the Commandant's approval and despite Article 1.A.12.d.(1) of this Manual, each officer so recommended may continue on active duty for the recommended term. When he or she completes such term, unless selected for promotion or further continuation by a subsequent board, the officer shall be discharged honorably with separation pay computed as shown in reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), or, if eligible for retirement under any law, retire.
- (3) If an officer who continues on active duty under Article 1.A.12.d.(2) of this Manual is not selected for promotion by a subsequent board, he or she shall be retired on the last day of the month in which he or she completes 20 years of active service unless removed earlier from active duty (14 U.S.C. §283).

**1.A.12.e. Regular Officers Serving Under Temporary Appointments**

A regular Coast Guard temporary officer appointed under Article 1.A.3. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), who serves as lieutenant (junior grade) or lieutenant and fails selection for promotion to lieutenant or lieutenant commander, respectively, for the second time shall:

- (1) Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs, or
- (2) If the member so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on that date under Article 1.A.12.e.(1) of this Manual, or
- (3) If, on the date specified for discharge in Article 1.A.12.e.(1) of this Manual, the member is eligible to retire under any law, retire under that law on that date.
- (4) Each officer subject to discharge or retirement under this Article may elect to revert to his or her permanent grade (14 U.S.C. §284).

**1.A.12.f. Lieutenant Commanders and Commanders**

- (1) Lieutenant commanders or commanders who remain on active duty after failing selection to the next higher grade for the second time shall be mandatorily retired pursuant to Article 1.C.5. of this Manual, unless offered continuation as described in Article 1.A.12.f.(2) of this Manual.
- (2) If Service needs dictate, the Commandant may direct a selection board convened under Article 6.B.1.a. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), to recommend for continuation on active duty a designated number of permanent Regular lieutenant commanders and commanders who would otherwise be retired under this Article. When so directed, the board shall recommend for continuation on active duty the officers under consideration who it believes are best qualified to meet the needs of the Coast Guard.
  - (a) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may be continued on active duty for any determined period of time that does not extend beyond 24 years of total active commissioned service unless promoted to the grade of commander of the Regular Coast Guard.
  - (b) An officer who holds the grade of commander of the Regular Coast Guard may be continued on active duty for any determined period of time that does not extend beyond 26 years of total active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.
- (3) With the Commandant's approval, each officer so recommended may continue on active duty for the recommended term, unless retired by some other provision of law. When he or she completes such term, unless selected for promotion or further

continuation by a subsequent board, the officer shall be retired on the first day of the first month following the month in which the period of continued service is completed.

**1.A.12.g. Captains**

- (1) If a board convened under 14 U.S.C. §289 does not recommend a captain for continuation on active duty, he or she shall retire unless retained by the Commandant in accordance with Article 1.C.5. of this Manual.
- (2) Permanent Regular captains may be retained up to and beyond 30 years as described in Article 1.A.12.g.(3) of this Manual.
- (3) If Service needs dictate, the Commandant may by annual action retain on active duty from promotion year to promotion year any permanent Regular duty captain who would otherwise be retired in accordance with Article 1.C.5. of this Manual.
- (4) Each officer recommended for continuation under Article 1.A.12.g.(2) of this Manual, unless retired under some other provision of the law, shall be retired when such term is completed, unless selected for promotion for further continuation on active duty by the Commandant, on 30 June of that promotion year in which no further action is taken to retain the officer.

**1.A.12.h. Effective Date of Separation**

If this Article or Article 1.C.5. of this Manual require the discharge or retirement of any officer above the grade of ensign fewer than six months after approval of the report of the board which considered but did not select the officer:

- (1) For promotion for the second time or continuation, that officer's discharge or retirement shall be deferred until the last day of the sixth calendar month after such approval, or
  - (2) For promotion for the third (or more) time, that officer shall be retired effective the last day of the month in which the officer completes 20 years' active service, unless earlier removed under another provision of law.
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**1.A.13. Dismissing or Dropping from the Rolls**

**1.A.13.a. Limitation on Dismissal**

No commissioned officer may be dismissed from any Armed Force except:

- (1) By sentence of a general court-martial;
- (2) In commutation of a sentence of a general court-martial; or

(3) In time of war, by order of the President.

#### **1.A.13.b. Dropping from the Rolls**

The President may drop from any Armed Force's rolls any commissioned officer who:

- (1) Has been absent without authority for at least three months, or
  - (2) Is sentenced to confinement in a federal or state penitentiary or correctional institution after a court other than a court-martial or other military court has found that officer guilty of an offense and whose sentence has become final (10 U.S.C. §1161).
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#### **1.A.14. Separating Regular Coast Guard Officers for Cause**

##### **1.A.14.a. Authority**

Pursuant to authority contained in 14 U.S.C. §321-§327, this Article contains regulations to separate commissioned Regular Coast Guard officers with greater than five years commissioned service for cause. While chief warrant officers are not subject to the same provisions, all cases involving those officers are processed under Article 1.A.19. or 1.A.20. of this Manual. Officers with less than five years commissioned service are processed under Article 1.A.10. of this Manual.

##### **1.A.14.b. Discussion**

- (1) No person has an inherent right to continue to serve as an officer. An officer retains the privilege of service only so long as he or she performs satisfactorily. Responsibility for leadership and example requires an officer to accomplish his or her duty effectively and conduct him or herself properly at all times. Retaining officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service cannot be justified. There is no place for these individuals in the Coast Guard.
- (2) Every officer deserves a fair chance to demonstrate his or her capabilities. If an officer shows ineffective tendencies, especially if inexperienced, if possible the Service gives him or her another chance under another commanding officer. However, commanding officers should systematically record ineffectiveness in documents specific as to the period each covers, the duties observed, and the defects noted. The Service must remove any officer who has been given a fair chance to become an effective officer and has not done so lest others pay with their lives for his or her weakness.
- (3) A recommendation for separation under this Article cannot be based on empty generalities or vague impressions. It is necessary to establish with exactitude the reasons why an officer is considered ineffective. Basically, this officer is one who

does not get acceptable results. Inefficiency is a relative matter, and a specific definition of the ineffective officer cannot be given. Many ineffective officers are decent, well-mannered, educated, honorable, intelligent, generous, and yet ineffective. It is perfectly proper to credit an officer for good qualities in the same letter or evaluation report which reveals ineffectiveness as an officer.

**1.A.14.c. Causes for Separation**

- (1) The existence of one or more of these or similar conditions may require removing an officer for substandard performance of duty or failure to meet standards prescribed by the Commandant:
  - (a) Downward trend in overall performance resulting in unacceptable service or a consistent record of substandard service.
  - (b) Failure to keep pace or progress with contemporaries; e.g. consistent below-average performance when compared to other officers of the same grade and length of service or failure of physician assistants to maintain certification from the National Commission on Certification of Physician Assistants.
  - (c) Failure to exercise necessary leadership or command expected of an officer of the same grade.
  - (d) Failure to assimilate the technical proficiency required of his or her grade.
  - (e) Failure to properly discharge assignments commensurate with his or her grade and experience.
  - (f) Apathy, a pattern of conduct showing the development of a defective attitude, or other character and behavior disorders including inability or unwillingness to expend effort.
  - (g) Failure to meet established weight standards.
- (2) Existence of one or more of these or similar conditions may require removing an officer for moral or professional dereliction:
  - (a) Discreditable intentional failure to meet personal financial obligations.
  - (b) Mismanaging personal affairs detrimentally affecting the officer's performance of duty.
  - (c) Mismanaging personal affairs to the discredit of the Service.
  - (d) Intentionally omitting or misstating facts in official statements or records for the purpose of misrepresentation.

- (e) Acts of personal misconduct prohibited by military or civilian authorities.
  - (f) Intentional or negligent failure to perform duties or negligence in performing duties.
  - (g) Conduct unbecoming an officer.
  - (h) Involvement in a drug or alcohol incident as defined in reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series).
  - (i) One act of sexual harassment by assault or coercion, or conduct demonstrating an established pattern of sexual harassment by crude or offensive behavior, sexist behavior, and/or unwanted sexual attention. See Article 2.B. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series), and reference (f), Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series), for definitions and guidelines on sexual harassment.
  - (j) Involvement in a prohibited relationship. See Article 2.A. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series), for policy guidance.
  - (k) An act, either committed or omitted, or other behavior clearly not consistent with the interests of national security requires removing an officer.
  - (l) An unreasonable refusal to submit to necessary and proper medical or dental treatment considered by competent medical or dental officers to be necessary to render member fit for duty (as determined by a medical board convened in accordance with the provisions of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series)).
  - (m) A repeated refusal to receive an immunization ordered by competent authority.
- (3) Any one of these or similar reasons causes serious doubt as to the advisability of permitting the officer concerned to retain a commission and normally prompts a review of his or her overall record. This review will determine if this derogatory information, when viewed in conjunction with other aspects of his or her record, warrants a recommendation for separation. Standing alone any one of these conditions may not support separation. However, any one of them when combined with other known deficiencies could form a pattern which, when viewed in relation to an officer's overall record, requires separation.
- (a) Punishment under the Uniform Code of Military Justice, Article 15.
  - (b) Conviction by court-martial or a civil court.
  - (c) Denial of security clearance.
  - (d) Derogatory evaluation report.

- (e) Failure to be recommended for promotion by a selection board selecting officers for promotion on a fully qualified basis.
  - (f) Failure by a Regular Coast Guard officer of any required course of training, instruction, or indoctrination at a service school.
  - (g) An approved finding of misconduct by a board of investigation.
- (4) Officers with less than five years of commissioned service will normally be processed under Article 1.A.8. or 1.A.10. of this Manual depending upon their status.
- (5) Officers convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any of those acts, while in the Service or found to have been convicted prior to entry into the Service, shall be processed for separation.

**1.A.14.d. Relationship of Separation to Discipline**

A commanding officer shall not use separation in lieu of disciplinary action under the UCMJ, but if he or she believes the Service's and officer's interests will be served better by separation proceedings rather than disciplinary action, he or she may so refer any charges. The fact a court-martial has occurred shall not prohibit subsequent proceedings under this Article; however, separation proceedings may not be initiated until a prior UCMJ proceeding is complete.

**1.A.14.e. Initiating Action**

Commander (CG PSC-OPM) shall review an officer's PDR and weigh all facts and circumstances to determine whether an officer should be considered for action under this Article. If Commander (CG PSC-OPM) decides further processing is warranted, Commander (CG PSC) will refer the case to a determination board. At any time, an Area Commander, District Commander, Logistics/Service Center Commander, or unit commanding officer may request Commander (CG PSC-OPM) to review an officer's PDR to determine whether the officer should be considered for separation.

**1.A.14.f. Requiring Officers to Show Cause for Retention**

- (1) At any time and place Commander (CG PSC) may convene a board of officers to review any Regular Coast Guard officer's record to decide whether the officer should be required to show cause for retention on active duty because:
- (a) The officer's performance of duty has declined below the prescribed standards; or
  - (b) The officer has demonstrated moral or professional dereliction; or
  - (c) Retention is clearly inconsistent with the interests of national security.
- (2) A board of officers convened to review an officer's records (a "determination board") shall consist of at least three officers in the grade of commander or above who all are

serving in a grade senior to the grade of any officer they consider.

- (3) The determination board will impartially review the officer's PDR, the initiating officer's recommendation, and all other available information relevant to the reasons for separation to determine whether it should require the officer to show cause for retention.
- (4) The determination board does not examine witnesses. It is limited to considering the documents presented to it.
- (5) Commander (CG PSC-OPM) sends the determination board's findings to Commander (CG PSC), who will notify the officer concerned the determination board has found either:
  - (a) The officer should not be required to show cause for retention and the case is closed; or
  - (b) The officer should be required to show cause for retention.
- (6) If a determination board decides an officer is required to show cause for retention on active duty, Commander (CG PSC-OPM) will:
  - (a) Give the officer a copy of the determination board's findings and all documents pertinent to the case except those the Commandant determines should be withheld in the interest of national security;
  - (b) Notify the officer in writing of the reasons for which he or she is being required to show cause for retention (notification shall be sent through the officer's commanding officer, who in turn shall state by endorsement the date of delivery to the officer concerned);
  - (c) Notify the officer that Commander (CG PSC) will convene a board of inquiry to hear the case at least 30 days after the date of notification of the determination board's findings;
  - (d) Inform the officer his or her appearance before a board of inquiry is the only opportunity to appear in person on his or her own behalf before final action in the case;
  - (e) Notify the officer if separated from the Service after action by a board of review or at his or her own request after a determination board's finding he or she is required to show cause for his or her retention on active duty, the officer will receive an honorable discharge if the reason for separation is one contained in Article 1.A.14.c.(1) of this Manual, and a general discharge if the reason is contained in Article 1.A.14.c.(2) or 1.A.14.c.(3) of this Manual;

- (f) Notify the officer of his or her entitlement to separation pay;
  - (g) Notify the officer that if retired after action by a board of review or at his or her own request after a determination board's finding, the officer will be subject to evaluation under the provisions of Article 1.C.12. of this Manual as to satisfactory service in a temporary grade;
  - (h) Allow the officer reasonable time, at least 30 days, to prepare his or her defense;
  - (i) Allow the officer to appear in person and to be represented by counsel at proceedings before a board of inquiry; and
  - (j) Allow the officer full access to and furnishes copies of records relevant to the case at all stages of the proceedings, except a board shall withhold any records the Commandant determines should be withheld in the interests of national security. If any records are withheld under this clause, the officer whose case is under consideration shall, to the extent national security permits, be given the actual records or copies of them with the classified portions deleted.
- (7) The officer concerned must acknowledge receipt of the determination board's findings within five days of receipt. The officer returns the receipt to Commander (CG PSC-OPM-1) through the chain of command.
- (8) An officer who has been notified a determination board has found he or she should be required to show cause for retention on active duty may apply for voluntary retirement or request early discharge from the Service. If the officer takes neither action, he or she shall be ordered to appear before a board of inquiry.

**1.A.14.g. Physical Qualifications for Separation**

If a determination board notifies an officer he or she must show cause for retention in the Service under Article 1.A.14.f.(6) of this Manual, the command concerned shall ensure the officer reports immediately to the nearest medical facility for a standard physical examination as described in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), if the officer has not completed one within the preceding three months. If travel is necessary in connection with the physical examination, the district commander or commanding officer of the Headquarters unit concerned will issue the travel orders. If the officer has a condition which requires him or her to enter the physical disability evaluation system or a serious disease or injury intervenes, Commander (CG PSC-OPM) and (CG PSC-PSD) shall be notified expeditiously by message. In these cases, the officer concerned is normally processed concurrently for cause under this Article and in the physical disability evaluation system. A final determination on the officer's status normally will not be made until both processes are completed.

**1.A.14.h. Board of Inquiry**

- (1) Purpose. The board of inquiry affords officers a fair, impartial hearing at which they have an opportunity to establish their retention in the Coast Guard is warranted. The officers concerned may present evidence to refute matters of record offered against them or otherwise establish they should be retained. The board of inquiry will consider all relevant evidence presented at the hearing and make findings and a recommendation based on a preponderance of evidence.
- (2) Composition.
- (a) The board of inquiry shall consist of at least three officers, but in any case an odd number, commanders or above, all of whom are senior to the grade of any officer the board is considering. No officer shall sit as a member of a board of inquiry if he or she:
- [1] Is a witness in the case before the board;
  - [2] Was a member of the determination board in the case under consideration (this provision does not apply to Reserve officers because their cases are referred directly to a special board of officers);
  - [3] Appeared as a witness before or was a member of any previous determination board, special board, board of inquiry, or board of review which considered the officer for separation;
  - [4] Initiated, investigated, was a member of, or was the reviewing authority in a court-martial before which the officer concerned was the accused;
  - [5] Previously recommended or participated in a recommendation for the officer's demotion, removal, or relief from active duty; or
  - [6] Previously was a reporting officer on any performance evaluations the board will view.
- (b) The board of inquiry will be assigned both a non-voting recorder and a non-voting legal advisor. The legal advisor shall meet the qualifications of Article 27(b), UCMJ, and if feasible also UCMJ Article 26(b) qualifications.
- (3) Instructions. After the board of inquiry convenes the legal adviser will instruct it as to its purpose. These instructions will be transcribed verbatim in the board's proceedings. The instruction will include, but need not be limited to, the following items:
- (a) By its action, the board establishes the minimum level of performance of duty or integrity acceptable of Coast Guard officers.

- (b) The board of inquiry is an administrative board not subject to the rules and procedures governing court or court-martial action. It does not judge the determination board's action.
- (c) As a result of the determination board's findings, the officer must show cause for retention on active duty. At the board of inquiry, the officer concerned has the opportunity to present evidence to refute matters of record offered against him or her or otherwise establish the Service should retain him or her. Although not processed by a determination board, Reserve officers may provide evidence to refute matters of record offered against them or otherwise establish they should be retained. These same standards apply to chief warrant officers being considered for separation under Article 1.A.20. of this Manual.
- (d) If the board determines it needs additional information to evaluate the case properly, it may request the information through the convening authority.
- (e) The board receives evidence presented during the board proceedings.
- (f) The board evaluates all evidence and information it receives or develops on the matter it is considering in the hearing and arrives at a clear, logical finding consistent with the information and evidence presented.
- (g) On the basis of its findings the board determines whether the Coast Guard should or should not retain the respondent.
- (h) The board makes appropriate recommendations consistent with its determination.
- (i) While the board considers old reports and records in establishing a pattern of substandard conduct or misconduct, an officer's instances of good performance or conduct in the remote past cannot negate a record of progressively deteriorating performance of duty or conduct.
- (j) An officer cannot offset allegations involving a defect in character or integrity by a rebuttal which attempts to emphasize other qualities in his or her favor.
- (k) The board may consider these additional items to assist it in evaluating material submitted to it:
  - [1] A record of recently improved performance may result from an unusual effort on the officer's part after learning he or she was recommended for separation for cause. By itself it does not overcome a pattern of ineffectiveness. The board may consider improved performance together with other evidence in the record to determine whether the officer has overcome the pattern.

- [2] Promotion or selection for promotion, while proper evidence on the officer's behalf, does not necessarily justify his or her retention.
  - [3] Where poor performance is involved, it is essential for the board to examine the entire performance file in detail. In doing so, the board should consider these aspects.
    - [a] The length of time each report covers.
    - [b] The duty the officer performed and the level at which performed.
    - [c] The trend in performance—up or down—as the officer gained experience.
  - [4] Copies of all performance evaluations made available to the board will be made available to the officer concerned and vice versa. An officer's claim he or she was not aware of unfavorable remarks contained in such reports is not grounds for the board not to consider them.
  - [5] The officer concerned often solicits letters of commendation or appreciation or letters stating the officer's value to the Service. In some cases, these letters may be the only kind of evidence an officer is able to offer in refuting an accusation. The board must evaluate the circumstances under which these letters are solicited in determining what weight it should give them. In so determining, it is proper for the board to consider the letter of solicitation if one exists, the period during which the writer knew or was closely acquainted with the officer, the writer's familiarity with the officer's habits and reputation, and the relationship between the writer and the officer, if any.
  - [6] The board may use punishment by court-martial or Article 15, UCMJ, for misconduct to support removal under these regulations.
- (4) Rights of Officer Concerned. The legal advisor shall explain to the officer concerned he or she has the following rights:
- (a) The officer may present evidence, represent him or herself, or be represented by military counsel qualified under Article 27 (b), UCMJ, or civilian counsel of his or her own choice in all open board of inquiry proceedings; the officer must pay expenses incident to retaining civilian counsel.
  - (b) At any time before the Commandant's final decision, the officer may apply for voluntary retirement, if eligible, or request early discharge under Article 1.A.14.f. of this Manual or 14 U.S.C. §327, as applicable.
  - (c) The officer may challenge for cause any voting member of the board.

- (d) The officer may request any witness whose testimony is pertinent to the case to appear as a witness before a board of inquiry hearing. The recorder of the board will invite those witnesses who meet the requirements to appear under Article 1.A.14.h.(5)(j) of this Manual.
  - (e) The officer's counsel may question any witness brought before the board.
  - (f) The officer is entitled to his or her rights under Article 31, UCMJ, and may or may not submit to examination by the board of inquiry.
    - [1] If he or she desires to submit to examination or make a statement under oath, he or she will be sworn.
    - [2] If he or she does not desire to make a sworn statement, the officer or the officer's counsel may make an unsworn statement, orally, in writing, or both. If the officer concerned makes an unsworn statement, he or she will not be subject to the board's cross-examination.
  - (g) The officer will be allowed full access to and furnished copies of records relevant to the case at all stages of the proceedings. However, the board shall withhold any records the Commandant determines should be withheld in the interest of national security. If a board withholds any records under this clause, the officer whose case is under consideration shall be furnished a summary of the records so withheld. Additionally, the officer will be furnished, to the extent the national security permits, the actual records or copies of them with the classified portions deleted.
  - (h) The officer has the right to know how his or her officer evaluation reports or other reports on performance of duty reflect his or her past performance.
  - (i) The officer or the officer's counsel may make a closing argument at the conclusion of presentation of evidence.
  - (j) The officer is entitled to receive a copy of the verbatim transcript of proceedings.
- (5) Procedure.
- (a) A board of inquiry does not follow strict rules of evidence in its proceedings. The board should allow the officer concerned to present his or her case without undue interference; however, the officer should observe reasonable bounds of relevance. Decisions on the validity of these regulations and the constitutionality of the statutes authorizing this procedure are outside the board's responsibilities, and the board should not permit argument on these matters. The assigned legal adviser decides questions on the procedures prescribed by these regulations.
  - (b) Voting members of the board will not review the case before the hearing.

- (c) The board will not allow spectators to be present during the proceedings, except those the officer concerned specifically requested in writing and the board president authorized. No one scheduled to be called as a witness or who has been a witness may be present as a spectator.
- (d) A board of inquiry may call witnesses on its own motion.
- (e) Witnesses appearing before the board shall testify under oath or affirmation.
- (f) The board's assigned legal advisor may not present the case or cross-examine witnesses. The legal advisor is present at all open sessions, instructs the board and respondent as appropriate, rules on all questions of evidence and procedure, and may excuse a member on challenge for cause.
- (g) The president may seek the legal advisor's guidance whenever necessary, but the legal advisor will advise the board in open session in the presence of the officer concerned and his or her counsel and these proceedings become a part of the record. However, after the board has announced its recommendations in open session, it may request the legal advisor to attend its closed session to assist in the final drafting of the findings and recommendations.
- (h) A majority vote by secret written ballot shall decide any issue properly before the board for determination.
- (i) The board shall keep a verbatim record of its proceedings in open session.
- (j) On the board's behalf the recorder invites both the officer's and the Government's witnesses to appear if both are reasonably available and their testimony can contribute materially to the case. The procedures and policies in Rule 703, Rules for Courts-Martial, MCM, 1984, will be used as a general guide in determining what witnesses will be invited to appear. Article 49, UCMJ, will be used as a general guide in determining witnesses' availability. Using depositions or affidavits to obtain testimony of witnesses who are not reasonably available and of stipulations, when appropriate, is encouraged.
  - [1] If their superior determines service requirements will not permit their appearance, the supervisor may prohibit Coast Guard members or civilian employees whose presence is requested as witnesses from appearing before the board, which then will use depositions or affidavits.
  - [2] Witnesses will travel by official military transportation when practical. If official military transportation is not available, witnesses may use commercial. The Government pays a civilian witness's fees and mileage under reference (g), Military Justice Manual, COMDTINST M5810.1 (series).

(k) Recorder's Responsibilities.

- [1] When the board of inquiry is convened, the board's recorder will examine and become familiar with all aspects of the case.
- [2] The recorder determines if further investigation or additional documents are necessary to evaluate the case properly. If the recorder determines additional information is needed, he or she should request it as soon as possible.
- [3] The recorder obtains factual information about requested and prospective witnesses' availability and then determines under Article 1.A.14.h.(5)(j) of this Manual which requested witnesses he or she will invite to appear on both the officer's and Government's behalf.
- [4] The recorder ensures any travel orders necessary in accordance with Article 1.A.14.h.(5)(j) of this Manual are issued promptly.
- [5] The recorder notifies the board members in person or in writing of the time and place set for the hearing. He or she notifies the officer concerned by letter of the time and place set for the hearing and furnishes a copy to the officer's commanding officer.
- [6] The recorder furnishes the officer concerned a copy of any records or other documentary material the board of inquiry will consider.
- [7] The recorder makes other necessary preparations for the orderly progress of the case at the board hearing.
- [8] The recorder ensures that a transcript of the hearing is prepared.
- [9] The recorder also ensures the board has available a copy of these regulations.
- [10] The recorder presents any material considered relevant to assist the board in reaching its finding.
- [11] The recorder may cross-examine any witnesses called by the respondent.
- [12] The recorder may present an opening statement and a final argument for the board's consideration.

(6) Deliberations.

- (a) A board of inquiry must carefully consider the facts of each case and be specific with respect to the underlying facts which support its findings and

recommendations. The president of the board must ensure board members are completely familiar with the facts developed in each case, as well as the purpose of the board of inquiry.

- (b) Before the board determines its findings and recommendations, it should review the purpose for which it was constituted, its guidance, and the evidence present before it in considering the following:
  - [1] The determination board found the officer concerned should be required to show cause. (Not applicable for Reserve officers with fewer than three years' service or for any chief warrant officer.)
  - [2] The purpose of the board of inquiry is to afford the officer concerned an opportunity to present evidence to refute matters of record offered against him or her or to otherwise establish the Service should retain him or her.
  - [3] The officer concerned must refute the Government's evidence and present evidence affirming his or her contention he or she is qualified to retain his or her current status.
  - [4] The board must consider an officer's record as a whole and make its recommendation based on a preponderance of evidence. Refuting any single reason for removal does not necessarily refute other documented reasons the board considers.

(7) Findings and Recommendations.

- (a) The board determines its findings and recommendation by secret written ballot in closed session.
- (b) The board prepares a brief statement of the reason(s) (including factual data if necessary for clarification) for its findings.
- (c) After the board determines the findings, it makes an appropriate recommendation, limited to either retention or separation without qualifications.
- (d) A board of inquiry cannot concurrently recommend any proposal short of separation once it has concluded an officer should be separated for cause.
- (e) Final Action for Reserve and Chief Warrant Officer Proceedings. For Reserve officers processed for separation under Article 1.A.8. of this Manual and chief warrant officers processed under Article 1.A.20.c. of this Manual, the president of the board shall advise the officer in open session of its recommendation and all applicable procedural matters listed as follows:
  - [1] If the special board finds the officer should be retained, the case shall be

closed.

- [2] If the special board recommends separation, its recommendation shall be sent to the Commandant who has final decision authority. The officer shall be furnished a copy of the verbatim record of the special board proceedings. Within 10 days after receiving or having access to a copy of the record of the special board proceedings, the officer or his or her counsel may submit a responsive rebuttal, limited to matters brought before the special board, to Commander (CG PSC-OPM-1).
  - [3] A summary of the board proceedings shall be sent to the Commandant.
- (8) Final Action for Regular Officers. In open session the president of the board advises the officer of its determination and all applicable procedural matters listed as follows:
- (a) When a board of inquiry determines the Service should retain the officer:
    - [1] The case shall be closed.
    - [2] A summary of the board's proceedings shall be sent to Commander (CG PSC).
    - [3] Commander (CG PSC) notifies the officer in writing through the chain of command.
  - (b) When a board of inquiry determines the officer should be separated:
    - [1] Commander (CG PSC) notifies the officer in writing through the chain of command.
    - [2] A board of review will consider the case as described in Article 1.A.14.i. of this Manual.
    - [3] Within 10 days after he or she receives or has access to a copy of the record of the board of inquiry proceedings, the officer or his or her counsel may file with the president of the board of review (c/o CG PSC-OPM-1) a rebuttal to the board of inquiry's findings and recommendations. If the officer files such a statement, he or she shall file a copy with the recorder to the board of inquiry, who in turn has 10 days in which to file a rebuttal to the statement of rebuttal and send to the officer concerned.
  - (c) A verbatim record of the board of inquiry proceedings shall be sent to:
    - [1] Commander (CG PSC) with a statement that the officer concerned was also furnished a copy.

[2] Commander (CG PS-PSD-mr)

- (9) Records Retention. The record of the board of inquiry proceedings, to include the board of review determination, will be maintained in accordance with the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series).

**1.A.14.i. Board of Review**

- (1) On receiving the proceedings record of the board of inquiry which recommends separating an officer for cause, Commander (CG PSC) convenes a board of review.
- (2) The board of review consists of three officers senior to the members of the board of inquiry which considered the case. An officer may not be a member of the final review board if he or she was a member of the determination board or board of inquiry which considered the case or is ineligible to be a member of the board of inquiry for any reason listed in Article 1.A.14.h.(2) of this Manual.
- (3) The board of review reviews the records and documented evidence the board of inquiry considered and made a part of its proceedings and any additional information the officer concerned or the recorder submitted under Article 1.A.14.h.(8) of this Manual, to determine whether the officer concerned has or has not established he or she should be retained in the Coast Guard.
- (4) The officer concerned will not appear before the board of review, nor will counsel represent him or her.
- (5) After reviewing the case, the board of review determines without qualification whether to retain or separate the officer.
- (6) The officer is notified of the review board's findings and determination in writing through the chain of command.
- (7) If the board of review determines to retain the officer, the case is closed and Commander (CG PSC) so advises the officer in writing through the chain of command.
- (8) If the board of review determines to separate the officer, the board of review proceedings and its recommendation shall be sent to the Commandant who has final decision authority.
- (9) If the Commandant concurs with the board of review recommendation, the officer shall be separated. If the Commandant finds the officer should be retained, the case shall be closed. In either decision, Commander (CG PSC) so advises the officer in writing through the chain of command of the final action taken in the case.

**1.A.14.j. Separation Date**

An officer removed from active duty under these proceedings who does not request voluntary retirement before the specified separation date separates as specified in 14 U.S.C. §327(b) on the first day of the second month after that in which the Commandant approves the recommendation of the board of review. For example, if the Commandant approves the recommendation on 15 May, the officer shall be separated on 01 July.

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**1.A.15. Revoking the Coast Guard Band Director's Designation**

The Secretary may revoke any designation as Director of the Coast Guard Band. If the Secretary does so, the member's appointment to commissioned grade under Article 1.A.6. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series), terminates and the member has the following options.

- a. Discharge from the Coast Guard; or
  - b. Reverting to the grade and status held when designated Director (14 U.S.C. §336).
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**1.A.16. Releasing Retired Recalled Officers from Active Duty**

**1.A.16.a. General**

A retired officer recalled to active duty retains his or her retired status whether temporarily or permanently retired or transferred from the Temporary Disability Retired List (TDRL) to the Permanent Retired List while on active duty.

**1.A.16.b. Release from Active Duty**

On completing the term of service for which recalled, the Service either continues the retired officer for a further period of service or releases him or her from active duty; the released officer is entitled to recomputed retired pay for years of service under 10 U.S.C. §1402.

**1.A.16.c. Physical Disability**

- (1) If an officer permanently retired for other than physical disability is recalled to active duty and while on active duty is found to have a physical disability of more than 30 percent, the officer remains on the Permanent Retired List and is entitled to recompute retired pay under 10 U.S.C. §1402 on release from active duty.
- (2) An officer on the Temporary Disability Retired List or retired permanently for physical disability who is recalled to active duty and found to have a physical disability in addition to or that aggravates the physical disability for which he or she retired is entitled to recompute retired pay under 10 U.S.C. §1402 on release from active duty.

**1.A.16.d. Grade on Release**

Since an officer can retire only once, the officer is released from active duty. The provisions of Article 1.C.12.f. of this Manual do not apply. When released from active duty the retired officer is entitled to the grade in which he or she retired, to which certified on retirement or any higher grade to which promoted after recall to active duty.

**1.A.16.e. Involuntary Termination of Retired Recall Orders**

- (1) At any time, Commander (CG PSC-OPM) may release an officer serving on retired recall. Commanding officers or other officers in the chain of command may recommend an involuntary termination of retired recall orders for members in their command by sending a letter to Commander (CG PSC-OPM) containing the following information:
    - (a) Officer's name;
    - (b) Length of service;
    - (c) Period of time officer was observed;
    - (d) Reason for recommendation;
    - (e) Specific facts or circumstances relating to performance;
    - (f) Medical reports or opinions, if applicable;
    - (g) Nature of counseling and other steps taken to correct deficiencies, if applicable;
    - (h) Officer's response to counseling, if applicable;
    - (i) Special Officer Evaluation Report, if applicable.
  - (2) The recommending officer shall grant the officer concerned an opportunity to review the recommendation and permit him or her to comment as desired by letter endorsement.
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**1.A.17. Separating an Officer Serving in a Foreign Country**

Article 1.B.29.a. of this Manual applies to officers. Address requests to Commander (CG PSC-OPM-1).

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**1.A.18. Separation Pay**

**1.A.18.a. Discharge Date**

At his or her request and with the Secretary's approval, the Service may honorably discharge a Regular commissioned officer (except a commissioned warrant officer) retained on active duty under Articles 1.A.12.d. or 1.A.12.f. of this Manual and a commissioned warrant officer retained under Article 3.B.4. of reference (a), Officer Accessions, Evaluations, and Promotions Manual, COMDTINST M1000.3 (series), at any time before the otherwise specified retirement or discharge date.

**1.A.18.b. Separation Pay**

- (1) Each Regular lieutenant (junior grade), lieutenant, lieutenant commander, or commander involuntarily honorably discharged under Article 1.A.12. of this Manual is entitled to a lump sum payment. The officer must elect separation pay and be discharged from active duty before becoming retirement eligible (14 U.S.C. §286).
- (2) Reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), contains computations for separation pay.

**1.A.18.c. Separated for Cause**

A regular Coast Guard officer separated for cause under Article 1.A.14.c.(1) of this Manual and not eligible for retirement is entitled to separation pay or half-separation pay. A regular Coast Guard officer separated for cause with a general discharge under Article 1.A.14.c.(2) of this Manual for moral or professional dereliction and not eligible for retirement, is not entitled to separation pay.

**1.A.18.d. Warrant Officers**

A commissioned warrant officer separated under Articles 3.B.4.c. of reference (a), Officer Accessions, Evaluations, and Promotions Manual, COMDTINST M1000.3 (series), i.e., twice failing of selection, or discharged under Article 1.A.20. of this Manual for reasons specified in Article 1.A.14.c.(1) of this Manual and not eligible for retirement is entitled to separation pay. A commissioned warrant officer separated for unfitness or unsuitability under Article 1.A.20. of this Manual for reasons specified in Article 1.A.14.c.(2) of this Manual, i.e., removal for moral or professional dereliction, and not eligible for retirement is not eligible for separation pay.

**1.A.18.e. Offsetting Deductions**

Accepting a lump sum payment under this Article does not deprive a person of any United States retirement benefits. However, an amount equal to the lump sum payment (14 U.S.C. §286 for Regular officers and 10 U.S.C. §1174 for Reserve officers) shall be deducted from the former member's retirement payments. Any member in receipt of

separation pay and who subsequently becomes entitled to retired pay will have their retired pay withheld until the former separation pay recouped.

#### **1.A.18.f. Reserve Officers**

Unless the Secretary determines that the conditions under which a member was separated or discharged do not warrant such pay, a Reserve officer serving as a Reserve Program Administrator (RPA) or on extended active duty (EAD) discharged or released from active duty who has completed six or more, but fewer than 20 years' active service immediately before that discharge or release is entitled to separation pay computed under the regulations below as determined by the Commandant if the discharge or release from active duty is involuntary or the member was not accepted for an additional tour of active duty for which he or she volunteered.

- (1) Reserve officers involuntarily discharged, separated, or released from active duty are entitled to separation pay calculated under Section 10.I. of reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series).
  - (2) Reserve officers discharged or released from active duty for the causes specified in Article 1.A.14.c.(1), 1.A.14.c.(2), or 1.A.14.c.(3) of this Manual are entitled to separation pay calculated under Section 10.I. of reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series).
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#### **1.A.19. Terminating a Chief Warrant Officer Appointment**

The Secretary may terminate the appointment of a chief warrant officer of the Regular Coast Guard at any time within three years after the date he or she accepted the original appointment as a chief warrant officer. A chief warrant officer whose appointment is terminated under this Article is not entitled to separation pay but may apply to the Commandant to reenlist (10 U.S.C. §1165). If approved, he or she reenlists in a grade the Commandant directs but not in one lower than the rate he or she held immediately before appointment as a chief warrant officer (10 U.S.C. §515). The procedures described in Article 1.A.10.b. of this Manual apply.

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#### **1.A.20. Separating Chief Warrant Officers for Unfitness or Unsatisfactory Performance**

##### **1.A.20.a. General**

The responsibility placed on chief warrant officers requires them to accomplish assigned duties effectively and adhere to proper standards of conduct at all times. Retaining chief warrant officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service cannot be justified. The causes for separation listed in Article 1.A.14.c. of this Manual apply.

**1.A.20.b. Special Boards**

Commander (CG PSC) may submit to a board of at least three Coast Guard officers whose permanent grade is commander or above the names, records, and reports of warrant officers who have been commissioned warrant officers for at least three years. From among the names so furnished, the board shall determine any officer whose reports and records establish, in the board's opinion, unfitness or unsatisfactory performance of duty or the officer's unsuitability for promotion. A finding of not qualified for promotion is appropriate only in cases involving an officer previously selected for promotion and being evaluated under Article 3.B.4. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series).

**1.A.20.c. Chief Warrant Officer Evaluation Boards**

- (1) If a board convened under Article 1.A.20.b. of this Manual finds a chief warrant officer unfit or unsatisfactory in performing duty, the officer shall be referred to an evaluation board convened by the Commander (CG PSC). The board shall be composed of at least three Coast Guard officers whose permanent grade is commander or above.
- (2) A chief warrant officer under consideration by an evaluation board convened under Article 1.A.20.c.(1) of this Manual does not appear before the board. However, the officer shall be advised of the reasons for the board and given at least 30 days to submit material on his or her own behalf.
- (3) If the evaluation board recommends that the officer should be retained, the case shall be closed. If the evaluation board recommends separation, the board's report shall be sent to the Commandant who has final decision authority. The officer will be notified of the Commandant's decision in writing through the chain of command.
- (4) In accordance with 10 U.S.C. §1166 a warrant officer whom the Commandant finds unfit or unsatisfactory following an evaluation board retires or separates on the first day of the month following 60 days after the Commandant acts on the board's recommendation as follows:
  - (a) If eligible for retirement under any provision of law, the officer shall be retired under that law.
  - (b) If the chief warrant officer is not eligible for retirement under any provision of law but has accrued at least three years of active service creditable under Section 511 of the Career Compensation Act of 1949, as amended, since the date he or she accepted the original appointment as a regular chief warrant officer, the officer shall separate with separation pay under 14 U.S.C. §286a, unless the separation was for reasons listed in Article 1.A.14.c.(2) of this Manual and the officer received a general discharge. However, officers entitled to separation pay may refuse it and instead request to enlist in a grade the Commandant prescribes

under 10 U.S.C. §515.

- (c) A chief warrant officer with fewer than three years of such service shall be separated under 10 U.S.C. §1165 without separation pay. However, he or she may request and, if the Commandant approves, enlist under 10 U.S.C. §515 in a grade the Commandant prescribes.

- (5) If the Commandant does not find a chief warrant officer unfit or unsatisfactory following an evaluation board, the case shall be closed.
- 

### **1.A.21. Requests to Separate Voluntarily in Lieu of Involuntary Board Action**

Officers who are undergoing the processes outlined in Articles 1.A.10., 1.A.11., 1.A.14., or 1.A.20. of this Manual may have the opportunity to request retirement or discharge in lieu of completing these processes. If this is permitted, the officer will receive the same category of Separation Program Designator code on their Certificate of Release or Discharge from Active Duty, DD Form 214, that they would receive if the board process went to completion with a decision to separate. They will also receive the same period of time to separate as they would receive if the board process went to completion. If no timeline is specified, the individual shall have no more than 90 days from the date the voluntary separation request is approved to separate.

### **1.A.22. Separation in Lieu of Orders (SILO)**

Officers who elect to separate in lieu of accepting permanent change of station (PCS) orders will be required to separate no later than 1 August.

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**Exhibit 1.A.1. Procedural Guide for a Coast Guard Board of Inquiry Conducted IAW 14 U.S.C. §322**

The following script is to assist the Board of Inquiry:

**Parties**

Pres: This board will come to order. The time is \_\_\_\_\_ on \_\_\_\_\_. This hearing is being held at \_\_\_\_\_.

Rec: This board has been ordered by the Commander, Coast Guard Personnel Service Center by letter \_\_\_\_\_ (SSIC), dated \_\_\_\_\_, copies of which have been furnished to each member of the board, counsel for the respondent, and the respondent. This letter will be marked as Exhibit 1.

Rec: The respondent, \_\_\_\_\_, and the following persons detailed to the board are present:

President (senior member) \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

Counsel for the Board \_\_\_\_\_

Counsel for the respondent \_\_\_\_\_

Rec: has been named reporter to this proceeding and will now be sworn. (Reporter rises and raises his or her right hand).

OATH: Do you swear or affirm that you will faithfully perform the duties of reporter to this board of inquiry so help you God?

*[NOTE: If it is known in advance that one being sworn will "affirm" rather than "swear", the words "swear or" and "so help you God" should be omitted from the oath.]*

Rptr: I do.

Rec: I am \_\_\_\_\_, and I have been detailed as recorder to the board. I am (not) qualified and certified under Article 27(b) of the Uniform Code of Military Justice & sworn under Article 42(a) UCMJ.

*[NOTE: Mark counsel's detailing letter, if any]*

Rsp Cnsl: I have been detailed to represent \_\_\_\_\_, the respondent, before this board by \_\_\_\_\_. I am qualified and certified under Article 27(b) of the Uniform Code of Military Justice and sworn under Article 42(a) UCMJ. (If a civilian attorney - I am admitted to practice law before the Supreme Court of the State of \_\_\_\_\_).

*[NOTE: Mark counsel's detailing letter, if any]*

## Rights to Counsel

Pres: (To Respondent)\_\_\_\_\_, you have probably been advised of your rights to counsel established by Military Separations, COMDTINST M1000.4 (series) and 14 U.S.C. §325. To insure that you fully understand those rights, I will describe them:

- (1) You may choose to represent yourself, and not have counsel to assist you.
- (2) You may be represented by
  - (a) military counsel, qualified in accordance with Article 27(b), UCMJ appointed at no cost to you, or
  - (b) civilian counsel of your own choice at no expense to the government.

Do you understand these rights to counsel?

Resp: [reply]

Pres: How do you choose to exercise your right to counsel?

Resp: [reply]

Pres: [To respondent's counsel] Do you perceive any actual or apparent conflicts of interest in your representation of \_\_\_\_\_?

Rsp Cnsl: [reply]

## Precept for the Board

Rec: This board has been convened for the purpose of considering pertinent facts in the case of \_\_\_\_\_ USCG, who is being required to show cause for retention on active duty in the Coast Guard by reason of \_\_\_\_\_ (see \_\_\_\_\_ determination board report & Article 1.A.14.c., Military Separations, COMDTINST M1000.4 (series)).

Rec: (A copy of) the notification to the respondent that the Board of Determination in his/her case found that he/she should be required to show cause for retention on active duty in the Coast Guard and respondent's acknowledgement of same, is marked as Exhibit \_\_\_\_\_, and made part of the record.

*[NOTE: The notification letter alone may not state the specific reason(s) why the officer must show cause for retention. If this information is not contained in the convening order, then include the basic Determination Board Report, without any additional documents, into the Board of Inquiry's record at this point. The only reason to incorporate the Determination Board's report into the record is to clearly establish the specific reason(s) why the officer must show cause for retention.]*

Pres: The legal advisor will now instruct the board as to the purpose of the board of inquiry, as set forth in Article 1.A.14.h.(3) of Military Separations, COMDTINST M1000.4 (series).

## Legal Advisor Instructions to the Board of Inquiry

Leg Ad: I am \_\_\_\_\_ and I have been appointed as legal advisor to this board. My duties are first of all to instruct the board regarding the purpose of the board and the procedural rules that the board will follow. Secondly, I will rule on questions concerning procedures, evidentiary questions, and challenges for cause presented against a member. I will also advise the president of the board on any other matters determined appropriate by the president. Any advice I give must only be given in open session, and will be made part of the record. I am required to be present for all open sessions, but I am prohibited from taking part in presenting the case or cross-examining witnesses. However, after the board has announced its recommendations in open session, it may request my presence in its closed session for the purpose of assisting in the final drafting of the findings and recommendations.

Leg Ad: The board is convened pursuant to 14 U.S.C. §321 - §327 and Article 1.A.14 of Military Separations, COMDTINST M1000.4 (series), copies of which have been provided to the board.

Leg Ad: The purpose of the board is to afford \_\_\_\_\_ (Resp) a fair and impartial hearing at which he/she has an opportunity to establish that his/her retention in the Coast Guard is warranted. \_\_\_\_\_ may present evidence to refute matters of record offered against him/her or otherwise establishes that he/she should be retained. The board of inquiry will consider all relevant evidence presented at the hearing and make findings and a recommendation based on a preponderance of evidence. The members of this board have been selected in accordance with the criteria established in the statute and Military Separations, COMDT M1000.4 (series). In summary, these provisions are:

- (1) There are at least 3 voting members.
- (2) There are an odd number of members and at least three.
- (3) All members serve in the grade of commander or above and are senior to the respondent.
- (4) No officer may sit as a member of this board of inquiry if he or she:
  - (a) Is a witness in the case before the board;
  - (b) Was a member of the determination board in the case under consideration;

*[Note: this provision does not apply to Reserve officers because their cases are referred directly to a special board of officers]*

- (c) Appeared as a witness before, or was a member of any previous determination board, special board, board of inquiry, or board of review which considered the officer for separation;

- (d) Initiated, investigated, was a member of, or was the reviewing authority in a court-martial before which the officer concerned was the accused;
- (e) Previously recommended or participated in a recommendation for the officer's demotion, removal, or relief from active duty; or
- (f) Previously was a reporting officer on any performance evaluations the board will view.

Leg Ad: (To the board) Does any member believe that any of these prohibitions applies to them?  
[Negative response from all members OR go into detail.]

As you have previously been advised, \_\_\_\_\_(respondent) is being required to show cause for retention on active duty in the Coast Guard. The burden of proof rests with \_\_\_\_\_(respondent) to effectively refute the reasons why he/she was required to show cause for retention on active duty, or to otherwise produce evidence to establish that (s)he should be retained. (S)he will be represented by \_\_\_\_\_, who will present any evidence and examine and cross-examine witnesses on behalf of the respondent, and will be provided an opportunity to present a closing argument at the conclusion of the presentation of evidence.

Leg Ad: The recorder, \_\_\_\_\_, has marshaled the documentary evidence and has invited witnesses to appear (on behalf of both the government and the respondent). He/She has become familiar with all aspects of the case, and is prepared to assist the board by presenting relevant evidence to the board, and by examining and cross-examining witnesses. At the board's discretion, he/she will also be prepared to summarize the evidence and argue on behalf of the government at the end of the case.

Leg Ad: I will now advise you specifically regarding your duty as members of this board.

- (1) By its action, this board establishes the minimum level of performance of duty, integrity, or adherence to standards acceptable of Coast Guard officers. If this board determines that \_\_\_\_\_(respondent) has established that he/she should be retained, then his/her case will be closed and the officer retained. On the other hand, if this board determines that \_\_\_\_\_ has failed to establish that he/she should be retained, then you will send a recommendation for discharge to Commander (CG PSC) which will initiate the additional reviews required by law.
- (2) This board of inquiry is an administrative board not subject to the rules and procedures governing court or court-martial action. It does not judge the Determination Board.
- (3) As a result of the Determination Board's findings, \_\_\_\_\_(respondent) must show cause for retention on active duty. At this board of inquiry, \_\_\_\_\_ has the opportunity to present evidence to refute matters of record offered against him or her or otherwise establish the Service should retain him or her.

*[NOTE: Although not processed by a determination board, Reserve officers may provide evidence to refute matters of record offered against them or otherwise establish they should be retained. These same standards apply to chief warrant officers being considered for separation under Article 1.A.20., Military Separations, COMDTINST M1000.4 (series)].*

- (4) If this board determines it needs additional information to evaluate the case properly, you may request the information through the convening authority.
- (5) The board only receives evidence presented during the board proceedings.
- (6) The board evaluates all evidence and information it receives or develops on the matter it is considering in the hearing and arrives at a clear, logical finding consistent with the information and evidence presented.
- (7) On the basis of its findings the board determines whether the Coast Guard should or should not retain \_\_\_\_\_ (respondent).
- (8) Consistent with its determination, this board may cause the officer to be retained or may make a recommendation for discharge.
- (9) While the board may consider old reports and records in establishing a pattern of substandard conduct or adherence to standards, an officer's instances of good performance or good conduct in the remote past cannot negate a record of progressively deteriorating performance of duty, conduct, or adherence to standards.
- (10) An officer cannot offset allegations involving a defect in character or integrity by a rebuttal that attempts to emphasize other qualities in his or her favor.
- (11) The board may consider these additional items to assist it in evaluating any material submitted for the board's consideration:
  - (a) A record of recently improved performance may result from an unusual effort on the officer's part after learning he or she was recommended for separation for cause. By itself it does not overcome a pattern of ineffectiveness. The board may consider improved performance together with other evidence in the record to determine whether the officer has established that retention is warranted.
  - (b) Promotion or selection for promotion, while proper evidence on the officer's behalf, does not necessarily justify his or her retention.
  - (c) In cases where poor performance is involved, it is essential for the board to examine the entire performance file in detail. In doing so, the board should consider these aspects:

[1] The length of time each report covers.

- [2] The duty the officer performed and the level at which performed.
- [3] The trend in performance, up or down, as the officer gained experience.
- (d) Copies of all performance evaluations, and all other documentary evidence, made available to the board will be made available to \_\_\_\_\_ (respondent). An officer's claim that he or she was not aware of unfavorable remarks contained in such reports is not grounds for the board not to consider them.
- (e) The officer concerned in a board of inquiry often solicits letters of support. In some cases, these letters may be the only kind of evidence an officer is able to offer to refute the Determination Board's findings. The board must evaluate the circumstances under which these letters are solicited in determining what weight it should give them. In so determining, it is proper for the board to consider the letter of solicitation, the period during which the writer knew or was closely acquainted with the officer, the writer's familiarity with the officer's habits and reputation, and the relationship between the writer and the officer, if any.
- (f) The board may use punishment by court-martial or Article 15, UCMJ, for misconduct to support removal under these regulations.

## Procedures

Leg Ad: The following additional rules of procedural nature will apply to these proceedings.

- (1) A board of inquiry does not follow strict rules of evidence in its proceedings. The board should allow the officer concerned to present his or her case without undue interference; however, the officer should observe reasonable bounds of relevance.
- (2) Decisions on the validity of Military Separations, COMDTINST M1000.4 (series) and the constitutionality of the statutes authorizing this procedure are outside the board's responsibilities, and the board should not permit evidence or argument on these matters.
- (3) Spectators will not be allowed during the proceedings, unless the President so authorizes on the respondent's specific written request. No one scheduled to be called as a witness or who has been a witness may be present as a spectator.
- (4) Voting members of the board may not review the case before the hearing. The board may call witnesses on its own motion. All witnesses will be sworn.
- (5) Issues properly before the board shall be decided by a majority vote in a secret written ballot. The standard of proof applicable in these proceedings is by a preponderance of the evidence.
- (6) A verbatim record of these proceedings will be made.

COMDTINST M1000.4

Leg Ad: Mr. President, this concludes my preliminary instructions to the board. Does any member of the board have any questions regarding these instructions?

Pres: (To Respondent) \_\_\_\_\_, the legal advisor will now advise you of your rights as set forth in 14 U.S.C. §325 and Article 1.A.14 of Military Separations, COMDTINST M1000.4 (series). If you have any question in relation to these rights, do not hesitate to voice these questions either to me or in private consultation with your counsel.

Leg Ad: You may present evidence, represent yourself, or be represented by military counsel qualified under Article 27 (b), UCMJ, or civilian counsel of your own choice in all open board of inquiry proceedings. However, you must pay all expenses incident to retaining civilian counsel.

If this board recommends discharge then, at any time before the Commandant's final decision, you may apply for voluntary retirement, if eligible, or request early discharge under Article 1.A.14.f., Military Separations, COMDTINST M1000.4 (series) or 14 U.S.C. §327, as applicable.

You may challenge for cause any voting member of the board.

You may request that any witness whose testimony is pertinent to the case appear as a witness before a board of inquiry hearing. The recorder of the board will invite those witnesses who meet the requirements of Article 1.A.14.h.(5)(j) of Military Separations, COMDTINST M1000.4 (series) to appear.

You, or your counsel, may question any witness brought before the board.

You are entitled to your rights under Article 31, UCMJ. You have the right, at your option, to testify or not testify before this board. If you choose not to testify, that decision will not be considered in any manner against you and is not relevant to any determination before the board.

If you elect to testify before this board, then you may be examined or cross-examined by the recorder and this board on any matter considered relevant to these proceedings, regardless of whether or not you testified to these matters when questioned by your counsel.

Leg Ad: Do you understand these rights?

Resp: [reply].

Leg Ad: If you desire to submit to examination or make a statement under oath, then you will be sworn.

If you do not desire to make a sworn statement, you or your counsel may make an unsworn statement, orally, in writing, or both. If you make an unsworn statement, then you will not be subject to cross-examination by the board or the recorder. However, the recorder may

introduce evidence to rebut your statement.

Also, you may, if you wish, not testify or give any statement at all. If you do this, the board will not consider it against you in any way.

You have been, and will be, allowed full access to and furnished copies of records relevant to the case at all stages of the proceedings. This includes all officer evaluation reports and any other reports concerning your performance of duties. However, the board shall withhold any records the Commandant determines should be withheld in the interest of national security. If a board withholds any records under this clause, you shall be furnished a summary of the records withheld. Additionally, you will be furnished, to the extent the national security permits, the actual records or copies of them with the classified portions deleted.

You or your counsel may make a closing argument at the conclusion of presentation of evidence.

You are entitled to receive a copy of the verbatim transcript of these proceedings.

Finally, your failure to invoke any of your rights of which you have been apprised cannot be considered as a bar to the board's proceedings, findings, and recommendations.

Leg Ad: Do you understand these rights as I have explained them? Do you have any questions?

Resp: [reply]

Pres: (To Respondent): \_\_\_\_\_, do you have any (other) questions about this board or these proceedings?

Resp: [reply]

### **Swearing of the Board & Procedures for Challenges**

Pres: Now that the preliminary advice and instructions have been completed, we will proceed to the swearing and the qualification of the members of the board.

Leg Ad: (To Respondent) As I mentioned earlier, you have the right to challenge any "voting member" of the board for cause only. The president and the other members of the board are "voting members". The recorder and legal advisor are not "voting members" and may not be challenged.

Leg Ad: A challenge may be made at any time during the proceedings. The grounds for challenge must show that the individual cannot be impartial on the issues before the board.

You or your counsel may question any voting member of this board in relation to any matter regarding possible grounds for a challenge for cause. I will determine any challenge for cause against a voting member.

Leg Ad: A sustained challenge will be reported to the convening authority, and, if it would reduce the number of members below three, the board will recess or adjourn until the convening authority appoints another member.

Leg Ad: (To Respondent:) \_\_\_\_\_, do you have any questions concerning this right or these procedures?

Resp: [reply]

Leg Ad: At this point the members of the board, the recorder, and I will be sworn. (Members, recorder and legal advisor rise.)

Rec: (To members) Raise your right hand. Do you \_\_\_\_\_, \_\_\_\_\_ and, \_\_\_\_\_ swear or affirm that you will faithfully perform all the duties incumbent upon you as members of this board of inquiry and that you will inquire into the matters now before you without partiality, so help you God?

Mem: I do.

Rec: (To Legal Advisor) Raise your right hand. Do you \_\_\_\_\_, swear or affirm that you will faithfully perform the duties of legal advisor for the board, so help you God?

Leg Ad: I do.

Pres: (To recorder) Raise your right hand. Do you \_\_\_\_\_, swear or affirm that you will faithfully perform the duties of recorder for the board, so help you God?

Rec: I do. (All take seats)

Rec: If any member of the board is aware of any matter which you believe may affect your ability to render a fair and impartial decision in the case now in hearing, you should now state such matters. (Ask each by name).

Mem: (I am not aware of any such matters.) (\_\_\_\_\_).

*[NOTE: Any positive answers should be heard outside of the hearing of the members not involved.]*

Pres: Does the respondent or counsel for the respondent wish to question any member of the board in relation to any matter regarding possible grounds for challenge for cause?

RC/Resp: [reply]

*[NOTE: After the respondent has completed questioning the board member(s), the recorder and legal advisor may ask follow-up questions.]*

Pres: Is there a challenge for cause against any voting member of this board?

*[NOTE: If a member is challenged, then all members should withdraw for any argument and the decision on the challenge.]*

RC/Resp: Respondent (has no challenges for cause against any of the members) (challenges (member \_\_\_\_\_ on the basis that \_\_\_\_\_)).

*[NOTE: If the board must be reconstituted as the result of a sustained challenge, repeat the appointing order procedures, as necessary.]*

### **Pre-Hearing Matters**

Pres: At this time, the recorder will state briefly any appropriate pre-hearing matters involving the board which should be preserved on the record, and if applicable, place into evidence any documentary material concerning same.

Rec: There are (no) (the following) pre-hearing matters to be placed before the board.

*[NOTE: What may be placed on the record here as exhibits are such matters as requests for counsel, witnesses, or continuances, answers to same, proposed witness and documentary evidence lists, or any other correspondence or documents concerning the board which are deemed appropriate.]*

Pres: Does the respondent or (his) (her) counsel have any comments, additions or objections to any of the foregoing concerning pre-hearing matters?

RC/Resp: [reply]

### **Evidentiary Matters**

Leg Ad: The general procedures for hearing the evidence in the case are as follows:

- (1) The recorder will present any evidence considered relevant to a proper evaluation of the case.
- (2) The respondent will then be provided an opportunity to present evidence or call witnesses to show cause for retention on active duty.
- (3) Prior to hearing witnesses, the board, at its discretion, may recess to review the documentary evidence presented. This recess may either precede or follow the presentation of documents by the respondent.

Pres: Does the respondent, or counsel, have any questions or comments concerning the evidentiary procedures?

RC/Resp: [reply]

Pres: The recorder will place on the record at this time the names of witnesses which are presently expected to testify before this board and their order of appearance.

Rec: The following witnesses, in the order listed, are expected to testify before this board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

*[NOTE: If the witnesses and their order are on a written list, that document may be made an exhibit, if it is not already, with copies to the members, counsel, and respondent, in lieu of verbally listing witnesses.]*

Pres: Are there any other witnesses which the respondent wishes to appear before this board?

RC/Resp: [reply]

Pres: (To Recorder) \_\_\_\_\_ you may present any additional documentary evidence relevant to the board's inquiry

*[NOTE: The following general procedure should be followed for each exhibit throughout the proceedings:]*

Rec: The recorder has the following documents ready for presentation to the board for consideration in these proceedings.

Rec: I have previously advised the respondent and his/her counsel concerning these documents and have made them available for their inspection. I now show these exhibits (individually) to the respondent and his/her counsel for their inspection.

Rec: Exhibit # \_\_\_\_\_ is \_\_\_\_\_

*[NOTE: give exhibits to the legal advisor who will hold until any objections are resolved.]*

Pres: Does the respondent or his/her counsel have any objections concerning this exhibit?

RC/Resp: (No objection) (We object \_\_\_\_\_ because \_\_\_\_\_).

Leg Ad: (1) (Your objection(s) is (are) noted for the record.)

(2) Exhibit \_\_\_\_\_ is accepted and will be made part of the record.

(3) Exhibit \_\_\_\_\_ is excluded as being (totally irrelevant) (\_\_\_\_\_). I will retain the exhibit until the board has reached its decision. The exhibit will then be included in the record as an exhibit offered but not admitted.

*[NOTE: Repeat this procedure for each exhibit.]*

Rec: I have no further documentary evidence.

Pres: Does the respondent, or counsel, have any documentary evidence to submit to the board at this time?

*[NOTE: Offer the respondent an opportunity to introduce documents at this time following the same general procedure. However, the respondent may wait until the recorder has presented all of his/her evidence to introduce any evidence.]*

Pres: Before calling any witnesses, I intend to recess the board so that we may familiarize ourselves with the documents which have been admitted, and thus be better able to address the issues with witnesses that follow. Does either the recorder or the respondent or counsel have any other matter to bring to the board's attention before we recess the board?

## **Recess to Review Documents**

### **The Board Reconvenes**

Pres: The board will come to order.

Rec: The respondent, counsel for the respondent, recorder, legal advisor, the president and all members of the board are present.

Pres: We will now hear the witnesses.

Pres: (To Recorder), \_\_\_\_\_ call the first witness.

Rec: The first witness is\_\_\_\_\_.

Rec: Do you swear, or affirm, that the testimony that you shall give in the case in hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Wit: I do.

Rec: [question the witness] RC/Resp: [Cross-examine the witness]

*[NOTE: The board members are allowed to examine the witness. This usually occurs after the recorder and counsel for the respondent/respondent have concluded questioning. However, board members are free to interject questions at any point if necessary for them to follow the testimony of a witness.]*

*[NOTE: Proceed to hear all witnesses in a similar fashion.]*

Rec: I have no further evidence to present.

Pres: (To respondent/respondent's counsel) Do you have any additional evidence that you would like to present?

RC/Resp: [Presents evidence]

RC/Resp: The respondent has nothing further to present.

*[NOTE: The recorder may introduce rebuttal evidence, if appropriate, at this point.]*

Pres: Is there any more evidence that the board should consider?

Rec: [reply]

RC/Resp: [reply]

Pres: Having no other evidence to be considered, the respondent and his/her counsel may make argument or address any other comments to the board at this time. The recorder has the option to make an opening and rebuttal argument.

Rec: [Opening argument]

RC/Resp: The respondent (waives argument) (has an argument for the consideration of the board)

\_\_\_\_\_.

Rec: [Rebuttal argument if any]

### **Final Board Instructions**

Leg Ad: Mr. President and members, I will now instruct you in certain matters which are appropriate for your consideration while the board is in closed session.

A board of inquiry must carefully consider the facts of each case and be specific with respect to the underlying facts which support its findings and recommendations. The president of the board must ensure board members are completely familiar with the facts developed in each case, as well as the purpose of the board of inquiry.

Before the board determines its findings and recommendations, it should review the purpose for which it was constituted, its guidance, and the evidence before it. You should also consider the following:

The determination board found that \_\_\_\_\_ should be required to show cause for retention.

*[NOTE: Not applicable for Reserve officers with fewer than three years' of service or for any chief warrant officer.]*

The purpose of the board of inquiry is to afford the officer concerned an opportunity to present evidence to refute matters of record offered against him or her or to otherwise establish the Service should retain him or her.

The officer concerned, \_\_\_\_\_, must refute the Government's evidence and present evidence affirming his or her contention he or she is qualified to retain his or her current status.

The board must consider an officer's record as a whole and make its recommendation based on a preponderance of evidence. Refuting any single reason for removal does not necessarily refute other documented reasons the board considers.

The board determines its findings and recommendation by secret written ballot in closed session.

The board prepares a brief statement of the reason (including factual data if necessary for clarification) for its findings.

After the board determines the findings, it makes an appropriate statement concerning retention. This statement must be limited to either retention or separation without qualifications. A board of inquiry cannot concurrently recommend any proposal short of separation once it has concluded that an officer should be separated for cause.

Once the board has reached a decision, you shall return to an open session. The president of the board will advise the officer of its determination and all applicable procedural matters.

*[NOTE: If necessary, the legal advisor may instruct on specific issues raised by the case.]*

Leg Ad: Mr. President, do you or any member of the board have any questions regarding the instructions I have given?

Pres: [reply]

Pres: At \_\_\_\_\_ hours, this board will now retire to deliberate.

## **Findings**

Pres: The board will come to order.

Rec: The respondent, counsel for respondent, recorder, legal advisor, the president and all members of the board are present.

Pres: (To Respondent) \_\_\_\_\_, you are hereby advised that this board of inquiry recommends that you be (retained or separated).

*[Continue from appropriate section below]*

COMDTINST M1000.4

(IF RETENTION)

Pres: (To Respondent) \_\_\_\_\_, the board having recommended your retention on active duty, this case is now closed. The proceedings of the board of inquiry will be summarized, and you will be provided a copy of this summary. The original report will be forwarded to the Commander (CG PSC) who will formally notify you of the results in writing via the chain of command.

(IF SEPARATION RECOMMENDED)

Pres: (To Respondent) \_\_\_\_\_, since the board of inquiry has recommended separation, the record of the proceedings of this board will be forwarded to Commander (CG PSC) who will notify you of the results in writing through the chain of command.

A Board of Review will consider your case as described in Article 1.A.14.i. of Military Separations, COMDTINST M1000.4 (series) and 14 USC §323.

You will be furnished a copy of the verbatim record of this board of inquiry, and of our findings and recommendations. If you would prefer, the copy of the record may be served on your counsel rather than yourself. Do you want the copy delivered to you or your counsel?

Resp: I wish my copy of the record be delivered to \_\_\_\_\_.

Pres: Within 10 days after you receive or have access to a copy of the record of the board of inquiry proceedings, you or your counsel may file with the president of the Board of Review (c/o Commander (CG PSC-OPM-1)) a rebuttal to this board of inquiry's findings and recommendation. If you or your counsel files such a statement, a copy must be provided to the recorder at this board of inquiry, who in turn has 10 days in which to file a rebuttal to your statement and send to you (your counsel) a copy.

The Board of Review will hear the case whether or not you file a statement of rebuttal. You will be furnished a copy of the report of the board of review. If the board of review recommends retention on active duty, your case is closed. If the board of review recommends separation, your case may be forwarded to the Commandant. In either case, you will be notified of the action of the board of review on the completion of its deliberations.

Pres: This completes the open session of this board of inquiry. The legal advisor is requested to join the board in closed session to assist in the final drafting of the findings and recommendation.

Pres: This board of inquiry is adjourned.

## **1.B. Separating Active Duty Enlisted Members**

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### **1.B.1. General**

#### **1.B.1.a. Discharge Authority**

Commander, Coast Guard Personnel Service Center, is the Discharge Authority in all cases of administrative separation except that:

- (1) The district commander, logistics/service center commands, or commanding officer, as appropriate, may be the Discharge Authority in those cases specified in Articles 1.B.7., 1.B.8., 1.B.11., 1.B.12., and 1.B.15. of this Manual;
- (2) Superintendent, Coast Guard Academy, may be the Discharge Authority under the provisions of Article 1.B.12. of this Manual for members enlisted under the Coast Guard Academy Scholar Program, within one year of the member's entry into the program. Commander (CG PSC) retains authority for those scholars who were serving as active duty or Reserve members of the Coast Guard upon entry into the program, and for all scholars beyond their first year of service. (See also Reference (u), Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series)).
- (3) Commanding Officer, Training Center Cape May, may be the Discharge Authority for uncharacterized discharges for recruits in an entry-level status in accordance with Article 1.B.19. of this Manual. In addition, Commanding Officer, Training Center Cape May, has authority to award a characterized discharge – honorable or general (under honorable conditions), as appropriate – to recruits:
  - (a) For misconduct due to drugs, in accordance with Article 1.B.17.b.(4) of this Manual, including but not limited to pre-enlistment drug use evidenced by a positive urinalysis shortly after entering an accession training program. (New inductees shall sign an Administrative Remarks, Form CG-3307, entry acknowledging that the presence of drugs in their bodies is grounds for a general (under honorable conditions) discharge for misconduct.)
  - (b) Who do not meet the criteria for discharge under an entry-level status, but are otherwise recommended for discharge under Section 1.B. of this Manual;
  - (c) Who meet the criteria for entry-level status, but unusual circumstances exist that warrant a characterized discharge (e.g., serious infractions or exceptionally meritorious service).

To the extent practicable, Commanding Officer, Training Center Cape May, will apply the general separation criteria under Section 1.B. of this Manual when awarding characterized discharges to recruits. However, in lieu of the minimum six-month probationary periods prescribed in Articles 1.B.15.c. and 1.B.17.c. of this Manual, recruits who are processed for discharge due to unsuitability or misconduct shall be afforded the same counseling as is required under Article 1.B.19.d. of this Manual for uncharacterized discharge processing.

#### **1.B.1.b. Scope**

The Service separates all regular Coast Guard and Coast Guard Reserve active duty enlisted members according to the instructions contained in this Article. Article 1.B.37. of this Manual contains a summary of various entitlements as they pertain to the different types of discharge. See reference (i), Reserve Policy Manual, COMDTINST M1001.28 (series), for processing Selected Reserve (SELRES) and Individual Ready Reserve (IRR) members.

#### **1.B.1.c. Unqualified for Retention**

The Armed Forces have the right and the duty to separate those members who clearly demonstrate they are unqualified for retention. If applicable, an Honorable Discharge Certificate, DD Form 256 CG, will be issued upon separation or discharge (see Article 1.B.34. of this Manual). At the same time, such members have rights the Coast Guard strives to protect (see Articles 1.B.14., 1.B.15., 1.B.17., and 1.B.23. of this Manual, as appropriate).

#### **1.B.1.d. Retention or Separation**

In determining whether a member should retain current military status or be separated administratively, the Service may evaluate the member's entire military record, including records of non-judicial punishment imposed during a previous enlistment or period of service, all courts-martial records or convictions, and any other material or relevant factors. Commanding officers, investigating officers, administrative discharge boards, and other agencies charged with making such decisions consider records of non-judicial punishment imposed during a previous enlistment or period of service only if, under the case's particular circumstances, the records would have a direct, strong probative value in determining whether retention or administrative separation is appropriate.

- (1) Cases in which the circumstances may warrant using such records ordinarily are limited to those involving patterns of conduct which become manifest only over an extended period of time.
- (2) When the Service considers a record of non-judicial punishment imposed during a current enlistment or period of service, isolated incidents and events remote in time or with insignificant value in determining whether retention or administrative separation should be effected shall have minimal influence on the determination.
- (3) If the Service decides to separate a member administratively, Article 1.B.2.e. of this Manual applies in determining the type of discharge.

**1.B.1.e. Cases Involving Concurrent Disability Evaluation and Disciplinary Action**

- (1) Disability statutes do not preclude disciplinary separation. The separations described here supersede disability separation or retirement. If Commander (CG PSC-PSD-de) is processing a member for disability while simultaneously Commander (CG PSC-EPM-1) is evaluating the member for an involuntary administrative separation for misconduct, or disciplinary proceedings which could result in a punitive discharge or an unsuspended punitive discharge is pending, Commander (CG PSC-PSD-de) suspends the disability evaluation and Commander (CG PSC-EPM-1) considers the disciplinary action. If the action taken does not include punitive or administrative discharge for misconduct, Commander (CG PSC-EPM-1) sends or returns the case to Commander (CG PSC-PSD-de) for processing. If the action includes either a punitive or administrative discharge for misconduct, the medical board report shall be filed in the terminated member's medical personnel data record (MED PDR).
- (2) Notwithstanding subparagraph 1.B.1.e.(1) of this Manual, disability evaluation in a member's case may proceed if Commander (CG PSC) or the Commandant (CG-00) so direct. In such a case, the Commandant decides the ultimate disposition.

**1.B.1.f. Definitions**

As used in this Article, these definitions apply:

- (1) Member. An enlisted man or woman of the Coast Guard.
- (2) Discharge. Complete severance from all military status.
- (3) Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.
- (4) Separation. A general term including discharge and release from active duty.
- (5) Administrative Separation. Discharge or release from active duty when enlistment or required period of service expires or before then in the manner prescribed in this Article or by law but specifically excluding separation by sentence of general or special court-martial.
- (6) Military Record. A member's behavior while in military service, including general comportment and performance of duty.
- (7) Prior Enlistment or Period of Service. Service in any Armed Forces component which culminated in issuing a discharge certificate or certificate of service.
- (8) Administrative Discharge Board. A body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. See Article 1.B.22. of this Manual and reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series).

- (9) Discharge Authority. As established here and implemented by regulations issued by an Armed Force, an official authorized to make a final decision on specified types of discharges.
  - (10) Respondent. A Coast Guard member who has been notified the Service has initiated action to discharge him or her under a specified Service regulation.
  - (11) Counsel. A lawyer within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record a lawyer so qualified is not available and describes the qualifications of the substituted non-lawyer counsel.
  - (12) Continental United States. The United States less Alaska and Hawaii.
  - (13) Characterization of Service for Administrative Separation. A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are honorable, under honorable conditions, and under other than honorable conditions.
  - (14) Minority Group. A segment of the population possessing common traits transmissible by descent or common characteristics and a cultural heritage significantly different from that of the general population.
  - (15) Entry-Level Status. Upon enlistment, this status applies to first-term performers who have fewer than 180 days of active military service, and to prior-service enlistees who have accumulated fewer than 180 days of active service after a service break of more than 92 days following their prior military service.
  - (16) First-Term Performer. A member with no prior military service serving in the first four years of his or her initial military service obligation.
  - (17) Recruit. A member currently enrolled in any enlisted accession program at Training Center Cape May, or who remains on active duty after having been removed from an enlisted accession program prior to graduation.
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## **1.B.2. Determining the Type of Discharge**

### **1.B.2.a. Policy**

The Service discharges members with the type and character of service as determined by the reason for discharge, military record, and certain other conditions set forth here.

**1.B.2.b. Procedure**

In determining a member's type of discharge and character of service under these conditions, if a commanding officer believes a member should be issued a higher or lower type of discharge, the commanding officer should so recommend to Commander (CG PSC-EPM-1) and should support such recommendation with pertinent parts of the member's PDR. When the member is transferring for discharge, the commanding officer should make such recommendation before transfer with a copy to the unit to which the member is transferring.

**1.B.2.c. Types of Discharge**

(1) There are five types of discharge for characterized separations:

- (a) Honorable Discharge, DD Form 256 CG, Separation with honor,
- (b) General (Under Honorable Conditions) Discharge,

**(Reverse blank – Policy continues on page 1-59)**

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- (c) Discharge Under Other Than Honorable Conditions,
  - (d) Bad Conduct Discharge, or
  - (e) Dishonorable Discharge.
- (2) An Uncharacterized Discharge applies when separation is without specific character. There is no certificate for this type discharge.

**1.B.2.d. Reasons for Discharge**

There are 14 formal reasons for discharge:

- (1) Enlistment expires.
- (2) Service obligation fulfilled.
- (3) Convenience of the Government.
- (4) Dependency or hardship.
- (5) Minority (age).
- (6) Disability.
- (7) Unsuitability.
- (8) Security.
- (9) Misconduct.
- (10) Court-martial sentence.
- (11) Entry-level separation (uncharacterized discharge).
- (12) For the good of the Service.
- (13) Care of Newborn Children as defined in Article 1.E. of this Manual.

**1.B.2.e. Characterization of Service**

Except as indicated below, the sole criterion on which the Coast Guard characterizes service in the current enlistment or period of service is the member's military record during that enlistment, period of service, or any term extension the law or the Commandant prescribes or the member consents to. In characterizing service, the following shall not be considered:

- (1) Previous service activities, including among others records of court-martial conviction, non-judicial punishment, absence without leave, or commission of other offenses for which punishment was not imposed.
- (2) Pre-service activities, except misrepresentations including omitting facts which if known would have precluded, postponed or otherwise affected the member's eligibility for enlistment.
- (3) Activities occurring under the provisions of Article 1.B.19. of this Manual.

**1.B.2.f. Standards for Discharge**

- (1) Honorable Discharge. A member's commanding officer or higher authority can effect a separation with an honorable discharge if the member is eligible for or subject to discharge and the member merits an honorable discharge under the standards prescribed here.
  - (a) The member is eligible for discharge for one of these reasons:
    - [1] Enlistment expires.
    - [2] Service obligation fulfilled.
    - [3] Convenience of the Government.
    - [4] Dependency or hardship.
    - [5] Minority (age).
    - [6] Unsuitability.
    - [7] Misconduct (except involvement with illegal drugs or obstructing drug urinalysis testing by tampering).
    - [8] The Commandant so directs.
  - (b) Proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude. The Service will not necessarily deny a member a discharge solely for a specific number of courts-martial convictions or actions under Article 15, UCMJ during his or her current enlistment or obligated service.
  - (c) Through 30 June 1983, the member must have made a minimum final average of 2.7 in proficiency and 3.0 in conduct.
  - (d) After 30 June 1983, the member must have a minimum characteristic average of

2.5 in each factor over the period of the enlistment. Article 12.B.48.b. of this Manual contains directions for determining the final characteristic average.

- (e) If a member meets the prescribed final minimum average for an honorable discharge in only one of the two marking systems (i.e., averages only 2.5 in proficiency and 2.8 in conduct through 30 June 1983, but is clearly above the prescribed final minimum averages for service after 30 June 1983, or vice versa), the commanding officer shall notify Commander (CG PSC-EPM-1) by memorandum of the situation at the earliest possible date. The memorandum must include, as a minimum, the final averages for the individual's marks under both marking systems, and the commanding officer's definite recommendation of the type of discharge proposed in the case.
- (f) **Special Consideration.** In any case in which a general discharge or a discharge under other than honorable conditions is warranted for one of the reasons set forth above, the Service may award the member an honorable or general discharge, as appropriate, under these conditions if the member:
  - [1] During the current or previous enlistment, period of obligated service, or any voluntary or involuntary extensions he or she has earned a Medal of Honor, Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Coast Guard Medal, Bronze Star Medal, Air Medal, Coast Guard Commendation Medal, Gold Life Saving Medal, Silver Life Saving Medal or any other Armed Forces award equivalent to any of these decorations. In each case, the member's military record shall be fully considered in connection with any action taken.
  - [2] Is discharged for a disability incurred in the line of duty and resulting from action against an enemy.
  - [3] Is discharged while undergoing recruit training; the proficiency mark required by Article 1.B.2.f. of this Manual shall be disregarded.
  - [4] Received favorable action from Commander (CG PSC-EPM-1) on a recommendation submitted under Article 1.B.2.b. of this Manual.
  - [5] If the particular circumstances in a given case warrant, the Commandant may direct issuing an honorable or general discharge in lieu of discharge under other than honorable conditions.
- (2) **General Discharge.** The member's commanding officer or higher authority may effect a separation with a general discharge if the member is subject to discharge and a general discharge is warranted under the standards prescribed in this paragraph. When a general discharge is issued for one of the reasons listed in Article 1.B.2.f. (1)(a) of this Manual, the specific reason shall be stated in an entry on an Administrative Remarks, Form CG-3307, entry in the member's PDR. A general

discharge applies in these situations:

- (a) The member either:
  - [1] Has been identified as a user, possessor, or distributor of illegal drugs or paraphernalia; or
  - [2] Has tampered with drug urinalysis samples, supplies, or documentation; However, the commanding officer may recommend a discharge under other than honorable conditions in severe circumstances, including among others, tampering with evidence in drug seizure cases or distributing drugs for profit, to other Coast Guard members or to minors. See Articles 1.B.2.f.(3) and 1.B.23. of this Manual for guidance and procedures.
- (b) The member is eligible for discharge for one of the reasons listed in Article 1.B.2.f.(1)(a) of this Manual and:
  - [1] The member's final average marks are less than those shown in Article 1.B.2.f.(1)(c). and Article 1.B.2.f.(1)(d) of this Manual for the respective periods, or
  - [2] When based on the individual's overall military record or the severity of the incident(s) which results in discharge, Commander (CG PSC-EPM-1) directs issuing a general discharge.
- (3) Discharge Under Other Than Honorable Conditions. The Service may issue a discharge under other than honorable conditions for misconduct, security reasons or good of the Service if an administrative discharge board approves a recommendation for such a discharge or the member waives his or her right to board action. Such a discharge will be issued in lieu of trial by court-martial only if the Commandant determines an administrative discharge will best serve the interests of both the Service and the member. (See Article 1.B.23. of this Manual.)
- (4) Bad Conduct Discharge. A bad conduct discharge, separation from the Service "under conditions other than honorable," may be issued only as a result of an approved sentence of a general or special court-martial.
- (5) Dishonorable Discharge. Separation from the Service under dishonorable conditions; a dishonorable discharge may be issued only as a result of an approved sentence of a general court-martial.
- (6) Uncharacterized Discharge. An uncharacterized discharge by its own connotation is separation without characterization of service. An uncharacterized discharge may be issued only if the provisions of Article 1.B.19. of this Manual apply.

**1.B.2.g. Reenlistment Codes**

Each member discharged from the Service is assigned one of the following reenlistment codes, as appropriate, per reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series).

- (1) RE-1 Eligible for reenlistment.
  - (2) RE-2 Ineligible for reenlistment due to retirement.
  - (3) RE-3 Eligible for reenlistment except for a disqualifying factor.
  - (4) RE-4 Not eligible for reenlistment.
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**1.B.3. Explaining Discharge Types and Related Matters**

Commanding officers periodically will explain to members the types of discharge certificates listed in Article 1.B.2. of this Manual, the basis for issuance, and the possible effects of various certificates on reenlistment, civilian employment, veterans' benefits and related matters. At a minimum, commanding officers shall do so each time they explain Uniform Code of Military Justice articles under Article 1.A.3. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series). Commanding officers shall ensure an appropriate entry is made on an Administrative Remarks, Form CG-3307, entry and filed in each member's PDR as to the date this information was explained to the member.

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**1.B.4. Pre-Discharge Interview of Enlisted Members****1.B.4.a. General**

In general, a member who meets the reenlistment standards in Article 1.A.5. of reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), is eligible to reenlist, unless the reason for discharge precludes reenlistment, such as physical disqualification, disability, unsuitability, misconduct, or an alien's failure to become a naturalized citizen, or if the commanding officer did not recommend him or her. Commanding officers should not refuse reenlistment to members who have demonstrated a potential for a successful, productive Coast Guard career. Commanding officers may assign members serving in the E-2 or E-1 pay grade at the end of their active duty term, the designation "Eligible for Reenlistment" (Reenlistment Code RE-1) provided these members are in all other respects eligible. Commanding officers should encourage members in pay grade E-3 to reenlist provided they meet the requirements of Article 1.A.5. of reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series). However, commanding officers should view members as poor risks if they have records of indebtedness or non-support or whose personal problems have resulted in hardship assignments longer than four months and therefore shall screen them carefully before considering them for reenlistment.

**1.B.4.b. Initial Interview**

- (1) Based on the member's record and the guidelines in Article 1.B.4.a. of this Manual, the commanding officer shall advise each member approximately six months before his or her enlistment expires whether he or she is eligible to reenlist. The commanding officer shall fully inform a member ineligible to reenlist of the reasons, assign him or her the proper code and, except for members ineligible for physical disqualification, process the member under Article 1.B.5. of this Manual. This approximate time frame for the initial pre-discharge interview is not a performance probationary period for members considered ineligible to reenlist but rather allows enough time to properly process a member for separation, extension, or reenlistment. Under Article 1.B.5.a. of this Manual, the commanding officer may conduct this interview in less than six months' time before the member's enlistment expires.
- (2) Members who meet the reenlistment criteria of Article 1.A.5. of reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), shall be assigned the Reenlistment Code RE-1, "Eligible for Reenlistment," and allowed to reenlist for a maximum of six years. The commanding officer may reenlist members assigned this code on board without reference to Commander (CG PSC-EPM-1).
- (3) Immediately after the required initial interview, a command representative, who has indicated favorable career intentions, shall interview each member eligible to reenlist to give him or her the opportunity to express his or her own desires about reenlistment intentions. During the interview, the command representative must inform each potential reenlistee eligible for a Selective Reenlistment Bonus (SRB) of that eligibility and the SRB program's monetary benefits. (See Article 1.B. of reference (m), Military Bonus Programs, COMDTINST M7220.2 (series).) The command representative must discuss these subjects:
  - (a) The SRB amount for which the potential reenlistee currently is eligible.
  - (b) SRB flexibility and possible changes that might increase or decrease the bonus amount to which the member is entitled at reenlistment.
  - (c) Any limiting factor that could negatively affect the SRB payment, such as rating conversion, etc.
  - (d) The advantages of early reenlistment to obtain the present SRB amount compared to the uncertainty of future SRB payment.
  - (e) Normal SRB payment method of equal annual installments or, if appropriate, possible payment in one lump sum.

**1.B.4.c. Follow-Up Interviews**

When a member eligible to reenlist indicates he or she will not do so, the commanding officer or executive officer will hold a follow-up interview with the member to:

- (1) Fully inform him or her of matters of interest to potential reenlistees, such as advantages of training, promotion, service schools, assignments, and retirement.
- (2) Advise the member the provisions of Article 1.A.4.b. of reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series) apply if he or she desires to reenlist other than on the day after discharge.
- (3) Advise a member serving in a foreign country who transferred for separation in lieu of reenlisting at his or her present unit (See Article 1.B.29.b. of this Manual.) that:
  - (a) Reenlistment will not be effected after such transfer unless the member requests and receives such authority from Commander (CG PSC-EPM-1).
  - (b) If the member has dependents and subsequently reenlists, it is possible he or she may not be entitled to transportation of dependents and household goods at Government expense. Although entitled to transportation of dependents and household goods at separation, the member is not guaranteed reenlistment in a pay grade that carries this entitlement.
  - (c) The interviewer should advise a member who is a citizen of the Republic of the Philippines if transferred for separation under Article 1.B.30. of this Manual and the member subsequently desires to reenlist, he or she will not be entitled to file for U.S. citizenship unless the reenlistment or extension actually takes place in the United States or its stated possessions (American Samoa, Swans Island, Guam, Puerto Rico, and the Virgin Islands.)
  - (d) If the member is eligible to reenlist but does not intend to reenlist in the Coast Guard at his or her present duty station, they must complete an E-Resume thru Direct Access six months prior to their date of separation indicating their intentions (i.e. discharge, RELAD). (See reference (o), Personnel, Pay and Procedures Manual, PSCINST M1000.2 (series).) If the member has a Selected Reserve obligation, they must indicate their desire for assignment to a Selected Reserve unit or Individual Ready Reserve (IRR) on their E-Resume. If the member does not have an obligation under 10 U.S.C. §651, the interviewer should encourage him or her to enlist in the Coast Guard Reserve. Commanding officers are authorized to enlist such members in accordance with reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series).

**1.B.4.d. Personnel Data Record Entries**

Members that have indicated indecision or a desire not to reenlist or extend shall

acknowledge the following information on an Administrative Remark, Form CG-3307, entry to be filed in the member's PDR.

- (1) The interview date.
  - (2) The member's expressed intention not to reenlist or extend their enlistment.
  - (3) The commanding officer's determination whether the member is eligible to reenlist (if not, include the reasons) and the reenlistment and separation codes being assigned. If a member is not eligible to reenlist even though the average marks for Proficiency, Leadership, and Conduct meet the requirement for honorable discharge through 30 June 1983, a full explanation shall be entered.
  - (4) If the member is eligible to reenlist but is not doing so within 24 hours of discharge, his or her signed Statement of Understanding that to remain in a continuous service status, he or she must reenlist within three months of the discharge date (See Article 1.A.8. reference (l), Enlisted Accessions, Evaluations, and Promotions, COMDTINST M1000.2 (series).), but he or she may not be able to reenlist in the rate he or she held at discharge unless that rate is on the open rate list when the member reenlists. (See Article 1.A.3., reference (l), Enlisted Accessions, Evaluations, and Promotions, COMDTINST M1000.2 (series).)
  - (5) If the member is not eligible to reenlist, the interviewer informs the member of the reason for the determination and requires him or her to sign a statement on an Administrative Remark, Form CG-3307, entry of the Personnel Data Record as having been so informed. (See Article 1.B.5. of this Manual.)
  - (6) If the member is a citizen of the Republic of the Philippines, a statement concerning future intention to apply for U. S. citizenship. (See Article 1.B.4.c.(3) of this Manual.)
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## **1.B.5. Processing Procedures for Personnel Ineligible to Reenlist**

### **1.B.5.a. Scope**

If at the time of the initial pre-discharge interview conducted under Article 1.B.4.b. of this Manual or any time after a commanding officer determines an enlisted member is not eligible to reenlist, this Article's procedures apply.

### **1.B.5.b. Fewer than Eight Years' Service**

Commanding officers must notify a member with fewer than eight years of total active and/or Reserve military service at the time of the interview of the reasons why he or she is ineligible to reenlist and that he or she may submit a written appeal through the chain of command to Commander (CG PSC-EPM-1) within 15 days of notification. The command shall furnish clerical assistance in preparing this appeal. The member must

sign a statement on an Administrative Remarks, Form CG-3307, entry in his or her PDR acknowledging this notification.

**1.B.5.c. More than Eight Years' Service**

Members who have eight or more years of total active duty and/or reserve military service that meet the reenlistment eligibility criteria in reference (l), Enlisted Accessions, Evaluations and Advancements, COMDTINST M1000.2 (series), but are not recommended for reenlistment by their commanding officer, are entitled to a reenlistment board. However, members who do not meet the eligibility criteria are not entitled to a reenlistment board, even if they have eight or more years of total active and/or reserve military service. If a member is entitled to a reenlistment board, the commanding officer shall follow the procedures in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

**1.B.5.d. Appellant Procedures**

On receiving an appeal, Commander (CG PSC) may direct that a particular appellant with fewer than eight years' total active and/or Reserve military service will be afforded the same rights to a board hearing as a member with eight or more years of such service possesses. Further, Commander (CG PSC) may reject a particular member's waiver of rights and direct a board to hear the case. The board convenes under reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series); the board members and procedures are the same as for Administrative Discharge Boards in Article 1.B.22. of this Manual. The board renders findings about the member's eligibility to reenlist or can specify a probationary enlistment extension for any period up to one year.

**1.B.5.e. Documentation**

When board action is not required, or when a member entitled to a reenlistment board waives that right, the commanding officer shall provide the member's PDR and following documents to Commander (CG PSC-EPM-1):

- (1) Summary of military offenses.
- (2) Civil convictions.
- (3) If submitted, the member's signed statement on his or her own behalf.
- (4) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.

**1.B.5.f. Probation Extension**

If the board recommends probationary enlistment extension, these guidelines apply:

- (1) The board shall propose the probation's length and terms, which should address the particular deficiencies that have led to recommended denial of reenlistment and provide the respondent with clear, specific standards of performance and conduct expected during the probation.
- (2) On receiving the reenlistment board's report, the commanding officer or convening authority may offer the respondent an opportunity to begin voluntary evaluation under the recommended probation terms if the commanding officer deems such action appropriate. This officer should inform the respondent that failure to begin evaluation under the probation terms will not affect how the final reviewing authority considers the case, but sincere, successful, voluntary compliance could favorably affect consideration. The commanding officer also should inform the respondent that voluntary evaluation while on probation is not binding on Commander (CG PSC) as Final Reviewing Authority.
- (3) If the commanding officer agrees to begin a respondent's requested evaluation under recommended probationary terms, the commanding officer shall inform the respondent of the precise terms of probation on an Administrative Remarks, Form CG-3307, entry in the respondent's PDR. The respondent acknowledges the terms in writing following this mandatory statement:

"I hereby agree to comply with the terms of probation that the reenlistment board recommended in my case. I realize the convening authority and reviewing authorities will not consider my compliance with these probationary terms binding on the action they take on my reenlistment board, and Commander (CG PSC), as Final Reviewing Authority, may cancel, amend, or extend these probationary terms."

- (4) When a commanding officer agrees to implement a respondent's evaluation under probationary terms recommended by a reenlistment board, the commanding officer sends a memorandum report of that action to Commander (CG PSC-EPM-1) independent of his or her endorsement to the reenlistment board's report. The report shall state the terms of probation as implemented and indicate whether the respondent's transfer for evaluation is warranted or desirable.
- (5) The commanding officer under whom the respondent is serving a probationary extension will evaluate the member's performance of the probation terms every 30 days and enter the respondent's progress on an Administrative Remarks, Form CG-3307, entry. Until Commander (CG PSC) publishes the action of the Final Reviewing Authority on the reenlistment board, at the end of each 90-day period of the probation, or sooner if necessary, the commanding officer will send Commander (CG PSC-PSD-fs) a synopsis of the respondent's performance.

**1.B.5.g. Deadlines**

A board shall convene early enough so Commander (CG PSC-PSD-fs) can receive the completed report 120 days before the enlistment expires, or as soon thereafter as practical. When a board is not required, or when a member entitled to a board hearing waives that right, the documents specified in Article 1.B.5.e. of this Manual, plus the member's signed waiver of rights (if applicable) in the format prescribed in Article 1.B.5.c. of this Manual, shall be submitted to Commander (CG PSC-EPM-1) 60 days before the member's enlistment expires, or as soon thereafter

Policy is continued on Page 1-70

as practical.

**1.B.5.h. Pending Notice**

Members awaiting action of the Final Reviewing Authority shall be retained until Commander (CG PSC-EPM-1) advises the commanding officer of the Final Reviewing Authority's action.

**1.B.5.i. Coast Guard Personnel Service Center's Final Action**

In acting on a reenlistment board's recommendation, Commander (CG PSC) as Final Reviewing Authority will take action similar to that provided for in the case of administrative discharge boards in Article 1.B.22.d. of this Manual.

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**1.B.6. Physical Examination Before Separation**

**1.B.6.a. Applicability**

Before retirement, involuntary separation, or release from active duty (RELAD) into the Ready Reserve (SELRES or IRR), every enlisted member, except those discharged or retired for physical or mental disability, shall be given a complete physical examination in accordance with reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series). Other members separating from the Coast Guard; e.g., discharge or transfer to standby reserve (non-drilling) may request a medical and dental screening. The examination results shall be recorded on Standard Form 88. To allow additional time to process enlisted members being discharged for enlistment expiration or being released from active duty, the physical examination shall be given at least six months before separation from active duty. All physical examinations for separations are good for 12 months. If the member is discharged for immediate reenlistment, the physical examination is not required. However, before discharge for immediate reenlistment, the commanding officer shall review the member's health record and require him or her to undergo a physical examination if evidence in the record or personal knowledge indicates a potential health problem.

**1.B.6.b. Physically Qualified for Separation**

When the physical examination is completed and the member is found physically qualified for separation, the member will be advised and required to sign a statement on the reverse side of the Chronological Record of Service, Form CG-4057, agreeing or disagreeing with the findings. When the member agrees he or she is physically qualified for separation, the original of Standard Form 88 shall be sent to Commander (CG PSC-PSD-mr) along with the terminated health record.

**1.B.6.c. Objections to Findings**

If a member objects to a finding of physically qualified for separation, the Standard Form

88 together with the member's written objections shall be sent immediately to Commander (CG PSC-EPM-1) for review. If necessary the member may remain in service beyond the enlistment expiration date under the authority of Article 1.B.11.i. of this Manual. However, completing the Chronological Record of Service, Form CG-4057, as soon as possible after the physical should preclude the need for this enlistment extension.

#### **1.B.6.d. Disqualifying Conditions**

When the examination for separation finds disqualifying physical or mental impairments, use the following procedures:

- (1) If the member desires to reenlist and the physical or mental impairment is permanent, send Standard Form 88 directly to Commander (CG PSC-EPM-1), with a request for waiver or such other recommendations as are indicated.
  - (2) If the member desires to reenlist and the physical or mental impairment is temporary, the necessary treatment shall be provided and the member remains in service under Article 1.B.11.f. of this Manual.
  - (3) If the member does not desire to reenlist or is being discharged for reasons other than enlistment expiration and the physical or mental impairment is permanent, a medical board is convened under Chapter 2 of this Manual and the member remains in service under Article 1.B.11.i. of this Manual.
  - (4) If the member does not desire to reenlist or is being discharged for other than enlistment expiration and the disability is temporary, the member may consent to remain in service under Article 1.B.11.f. of this Manual so necessary treatment may be given and a medical board convened if indicated. If the member does not consent to remain in the Service, a medical board is convened under Chapter 2 of this Manual and the member remains in service under Article 1.B.11.i. of this Manual.
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### **1.B.7. Enlisted Members' Early Separation**

#### **1.B.7.a. General**

Under certain circumstances enlisted members may be separated before their normal enlistment expiration date provided such early departure is in the Government's best interest. In determining the eligibility date for early separation, consideration must be given to any deductible time that changes the normal enlistment expiration date, enlistment extension, period of obligated active duty, or obligated service. Early separation under this Article does not deprive a member of any right, privilege, or benefit to which otherwise entitled, except pay, allowances, and credit for service for any unexpired period not served. The member is entitled to a travel allowance and lump sum payment for leave and does not have to pay back a pro-rated portion of any reenlistment bonus he or she previously received.

**1.B.7.b. Early Separation**

Commanding officers are authorized to separate members three or fewer months before the normal separation date without referring to Coast Guard Personnel Service Center in these circumstances. Refer other cases in which such early separation appears warranted to Commander (CG PSC-EPM-1).

- (1) When a cutter or mobile command is about to depart with the probability it will not return to the United States before the member's enlistment or period of obligated active duty expires.
- (2) When a cutter or mobile command is about to depart and the travel allowance then due the member is materially less than it would be if he or she separated in the port where the cutter is expected to be on the normal separation date.
- (3) When a member serving OCONUS declines to reenlist, he or she may be:
  - (a) Separated on first reporting to a unit in CONUS on debarkation, or
  - (b) Separated on reporting to a district office in CONUS for further assignment to duty in that district, or
  - (c) Separated at the overseas duty station effective not earlier than the date of his or her scheduled rotation date when serving in other than a foreign country and if transfer to CONUS is not otherwise indicated. Article 1.B.29. of this Manual.
- (4) When a member requests in writing a discharge so he or she can reenlist immediately, except for a member who:
  - (a) Has received notice of selection for appointment to warrant or commissioned grade.
  - (b) Has been selected for or is enrolled in any military service's Officer Candidate School.
  - (c) Is in transit pursuant to permanent change of station orders.
  - (d) Has requested or received authorization for retirement.
- (5) Serves OCONUS and indicates he or she intends to reenlist immediately on board in lieu of transfer for separation. Commanding officers shall effect early separation for immediate reenlistment on or about the date the member normally would transfer for separation.

**1.B.7.c. Early Separation Procedures**

Article 1.A.7.h. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), provides guidance for members separated under Articles 1.B.7. and 1.B.8. of this Manual who desire to affiliate with the Coast Guard Reserve upon separation.

**1.B.7.d. Voluntary Separation Procedures for Members Serving on an Indefinite Reenlistment Contract**

Subject to the provision of 14 U.S.C. § 357, an active duty member serving on an indefinite reenlistment under Article 1.A.6. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), may be separated at the discretion of Commander (CG PSC-EPM). The actual separation of these members will be based on the overall needs of the Service. The provisions listed below generally apply; however, needs of the Service may impact the actual separation date.

- (1) An enlisted member may only submit a request for voluntary separation to Commander (CG PSC-EPM), if the member:
  - (a) Will have completed all obligated service requirements for promotion or advanced training before the separation date, and
  - (b) Requests an effective date of separation that provides:
    - (1) Completing at least one year of duty at current duty station as of the requested separation date if assigned INCONUS.
    - (2) Completing the prescribed tour length or at least two years, whichever is less, as of the requested separation date if assigned OCONUS.
- (2) If a member who satisfies the conditions in Article 1.B.7.d.(1) of this Manual has received PCS orders and wishes to voluntarily separate in lieu of executing orders, he or she must so advise Commander (CG PSC-EPM) for active duty members or (CG PSC-RPM-2) for SELRES members via standard Coast Guard message traffic within five working days of orders issue date. Members desiring to SILO may be separated prior to the expiration of their enlistment by reason of convenience of the government in accordance with Article 1.B.12. of this Manual and Article 1.B.6.a. of reference (p), Military Assignments and authorized Absences, COMDTINST M1000.8 (series). Commander (CG PSC-EPM) (or (CG PSC-RPM) for SELRES members) will consider such requests based on the overall Service needs; however, in certain instances, the member may be required to comply with orders. Commander (CG PSC-EPM) will not normally accept a request to cancel a voluntary separation so scheduled except to allow for disability processing, or Service need.
- (3) If a member's commanding officer determines that a request for separation is

warranted even though it does not meet the conditions in Article 1.B.7.d.(1) of this Manual, the member should send the request and full supporting information pertaining to it to Commander (CG PSC-EPM), through the chain of command, for consideration. Such a request will be approved only in those rare instances when in the judgment of Commander (CG PSC-EPM), departing from the normal rules of Article 1.B.7.d.(1) of this Manual is justified. If the request is disapproved, Commander (CG PSC-EPM) will indicate when the member may resubmit a separation request. Commander (CG PSC-EPM) will cancel a request approved under this paragraph only to allow for disability processing, or Service need, subject to the provisions in Article 1.B.7.d. of this Manual.

- (4) Submit separation requests to Commander (CG PSC-EPM) not more than one year or less than six months before the desired separation date. They will be acknowledged by either approval or disapproval. Include the following statements in all requests:

<p style="text-align: center;"><i>Signature</i></p> <p>From: Member</p> <p>To: Commander (CG PSC-EPM)</p> <p>Thru: Commanding Officer, [Unit]</p> <p>Subj: VOLUNTARY SEPARATION REQUEST</p> <p>Ref: (a) Military Separations, COMDTINST M1000.4 (series), ch. 2, par. B.7.d.</p> <p>1. I request separation on the first day of [month, year], or as soon thereafter as feasible.</p> <p>2. I intend to separate to [city, state, zip code].</p> <p>3. I am/am not presently on the effective headquarters advancement authorization list for advancement to the next higher paygrade.</p> <p>4. I further understand that if I request to cancel this separation, Commander (CG PSC-EPM) will consider this request to allow for disability processing, or Service need. If such cancellation is approved for Service need, I understand that I will be required to remain on active duty for a minimum of two years from the day of approval of my request .</p> <p style="text-align: center;">#</p>
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- (5) The request must include the zip code of the intended travel destination for cost estimating purposes only; it is not binding, nor does it affect the member's right to travel to their place of enlistment or home of record up to six months after the separation date. See Joint Federal Travel Regulations, U5125.

- (6) Area, district, and unit commanding officers will include the following comments in endorsements to all separation requests:
- (a) Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
  - (b) Whether the member meets the requirements listed in Article 1.B.7.d. of this Manual.

### **1.B.7.e. Scheduling Voluntary Separations**

- (1) The decision to submit a voluntary separation letter has significant impact because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CG PSC-EPM) normally will not honor a request to cancel or delay an already approved voluntary separation date. However, a request may be approved if the following conditions exist:
- (a) To allow for disability processing; or
  - (b) A specific Service need exists; or
  - (c) A member has a hardship situation similar or equivalent to those listed in Article 1.D.2. of this Manual. The Service does not consider a change in civilian employment plans a hardship; or
  - (d) The separation physical examination finds the member “not fit for separation” and the member does not request in writing to cancel the physical disability processing.
- (2) When a request to cancel a scheduled separation is based on a Service need, the member must remain on active duty for at least two years from the date the request is approved or up to the HYT PGP for his/her present pay grade, if less than two years. (See Article 1.F.7. of this Manual.)
- (3) Requests to cancel or delay a scheduled voluntary separation should normally be submitted at least three months before the approved separation date. Requests must be submitted through the member’s chain of command and clearly state the reasons for such cancellation as well as a statement acknowledging that the member understands that he/she will be required to complete a minimum of two (2) years active duty from the date of cancellation of the voluntary separation request.
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## **1.B.8. Releasing Enlisted Members Early to Pursue Their Education**

### **1.B.8.a General**

- (1) Commanding officers may authorize release up to 30 days early for a member with a

unique schooling or career opportunity he or she would lose if released on his or her normal enlistment expiration. The Coast Guard Personnel Service Center will not waive the 30-day limit on this authority. Members must combine all remaining earned leave and separation, the two totaling a maximum of 90 days.

- (2) Commanding officers should consider early releases only for those who perform effectively and honorably during their present enlistment. Therefore, the commanding officer will review the member's performance evaluations. Marks awarded through 30 June 1983 must average at least 3.3 in proficiency and 3.9 in conduct. This requirement will not be waived. For marks awarded after 30 June 1983, the member must meet the standards for an honorable discharge as described in Article 1.B.2.f. of this Manual.
- (3) Commanding officers should expect relief for members granted early release to arrive no earlier than if the members were released at their normal expiration of enlistment.
- (4) If anticipating early release, advise Commander (CG PSC-EPM) by message as early as possible of member's name, rate, employee identification number (EMPLID), and anticipated release date.

**1.B.8.b. Procedures**

Use the procedures described in Article 1.B.7.c. of this Manual for members released early from active duty under this Article.

**1.B.8.c. Recouping Reenlistment and/or Career Status Bonus**

A member separating under this Article and paid a bonus for his or her current enlistment must refund the unearned portion of the bonus in accordance with reference (b), Coast Guard Pay Manual, COMDTINST, M7220.29 (series), and reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

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**1.B.9. Processing Unsatisfactory Performers**

**1.B.9.a. Policy**

The Coast Guard can afford to retain only those members who better the organization as a whole. Occasionally members do not contribute to supporting the Coast Guard's missions. By their unsatisfactory or disruptive performance, they prevent or obstruct other service members' responsible actions in meeting their obligations. Individuals whose performance demonstrates they cannot or will not contribute to supporting the Coast Guard's missions may be discharged under this Article's procedures. In many cases, promptly applying proper leadership can and will turn an unsatisfactory performer into a contributing service member. The value of positive task direction and recommendations for improving performance at any time by any member to a subordinate cannot be over-emphasized. However, in some cases all leadership avenues

and disciplinary action are no longer effective and the member's association with the Coast Guard must terminate. This Article does not supersede more appropriate administrative action specified elsewhere in this Article or medical administrative procedures. Final discharge authority rests with Commander (CG PSC-EPM-1).

#### **1.B.9.b. Scope**

This Article applies to all enlisted active duty members who meet the following criteria:

- (1) The member must not be undergoing medical treatment or physical disability processing.
- (2) The member must be assigned to the current unit for at least 180 days.
- (3) The member must not be undergoing or eligible for more appropriate processing specified elsewhere in Article 1.B. of this Manual. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsatisfactory performance.

#### **1.B.9.c. Separation Criteria**

To discharge a member as an unsatisfactory performer, commanding officers must clearly show the member has been given the proper direction to improve performance and adequate time to demonstrate he or she could become a productive Service member. In all cases, use the enlisted performance appraisal system in effect to identify the unsatisfactory performer for this Article's purposes. However, the unsatisfactory performance pattern, the appraisal marks described must be supported by thorough documentation, including copies of Administrative Remarks, disciplinary action, and any other attempted corrective or training action. Unsatisfactory performers generally can be identified by enlisted employee reviews that do not meet the standards for an honorable discharge as described in Article 1.B.2.f. of this Manual.

#### **1.B.9.d. Procedures to Notify Unsatisfactory Performers**

- (1) Commanding officers must notify in writing a member whose performance record (12 months preferred in most cases, but at least six months for extremely poor performers) is such that he or she may be eligible for discharge under this Article and that his or her unsatisfactory performance may result in discharge if that performance trend continues for the next six months. The official notice will be in memorandum format using the example below.

(2) Members discharged for unsatisfactory performance are assigned one of the following applicable reenlistment codes. See Article 1.B.9.c. of this Manual for either case.

(a) RE-4 (not eligible to reenlist). The member's unsatisfactory performance is primarily due to personal conduct.

(b) RE-3 (unsatisfactory performance). The member's overall performance of duty is the reason for discharge, and the commanding officer determines the member may be eligible to reenlist at later date.

<i>Signature</i>
From: Commanding Officer, (Unit)
To: (Individual concerned)
Subj: UNSATISFACTORY PERFORMANCE
Ref: (a) Military Separations, COMDTINST M1000.4 (series), Article 1.B.9.
1. This is to inform you that for the previous (number) months, your performance has been unsatisfactory compared to your peers in your pay grade. You are considered to be on performance probation. You must take stock of your actions that have caused this situation to develop and take corrective action. Your performance must improve over the next six months, or you will be considered for discharge.
2. The reasons for being placed on performance probation are: (state specific facts, incidents, unheeded corrective performance guidance, and any other documentation which supports the unsatisfactory performance evaluation(s)).
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**1.B.9.e. Discharge Processing for Members with Less Than Eight Years of Service**

(1) Notification Procedures. After the commanding officer notifies a member of unsatisfactory performance and closely observes the member (in most cases for six months), if the member has not substantially improved his or her performance, the commanding officer will notify the member in writing of the proposed discharge action. The official notification will be in memorandum format using the following example:

*Signature*

From: Commanding Officer, (Unit)

To: (Individual concerned)

Subj: DISCHARGE

Ref: (a) Military Separations, COMDTINST M1000.4 (series), Article 1.B.9.

1. This is to inform you I have initiated action to discharge you from the U.S. Coast Guard pursuant to the provisions of reference (a). Your performance marks for this enlistment support [a/an] [honorable/general] discharge. The reasons for my action are: [State specific facts and incidents which caused the recommendation. Include dates and circumstances of contributory events, including (if applicable) non-judicial punishment and courts-martial; evaluate the member's potential to advance and satisfactorily complete enlistment.]

2. The decision on your discharge and the type of discharge you will receive rest with Commander (CG PSC-EPM-1).

3. If you are awarded a general (under honorable conditions) discharge, you may expect to encounter prejudice in civilian life. [Omit if enlisted evaluations entitle the member to an honorable discharge.]

4. As you are being considered for a general (under honorable conditions) discharge, you have the right to consult with a lawyer as defined by Article 27(b)(1) of the Uniform Code of Military Justice. [Omit for members who are being recommended for an honorable discharge.]

5. You may submit a statement on your behalf.

6. You may disagree with my recommendation; if so, your rebuttal will be forwarded with my recommendation.

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- (2) Acknowledgment. A member notified of a recommendation for discharge under this Article must indicate he or she understands his or her rights by completing this endorsement. The member may include a personal statement on his or her behalf in this response. The member must submit a signed acknowledgment using the following format:

FIRST ENDORSEMENT on

*Signature*

From: [Individual Concerned]

To: Commanding Officer, [Unit]

Subj: DISCHARGE

1. I hereby acknowledge notification of my proposed discharge.
2. I [waive my right to submit/have attached] a statement in my behalf.
3. I understand if I receive a general (under honorable conditions) discharge I may expect to encounter prejudice in civilian life. [Necessary only if Article 1.B.2.f. of Military Separations, COMDTINST M1000.4 (series), indicates a general discharge.]
4. I hereby acknowledge I have been provided the opportunity to consult with [insert name], a lawyer. [Necessary only if Article 1.B.2.f. of Military Separations, COMDTINST M1000.4 (series), indicates a general discharge.]
5. I [object/do not object] to discharge from the U.S. Coast Guard.

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- (3) Right to Counsel. Commanding officers shall give any individual recommended for discharge under this Article whose performance evaluations indicate the possibility of receiving a general (under honorable conditions) discharge the opportunity to consult with a military lawyer for an explanation of rights before sending the discharge recommendation to Commander (CG PSC-EPM-1). The member may consult a civilian counsel of choice at his or her own expense.
- (4) Submitting Recommendation. Submit each recommendation for discharge under this Article to Commander (CG PSC-EPM-1) and include:
  - (a) A statement of all the circumstances of the case.
  - (b) A signed copy of the notification memorandum.
  - (c) The member's signed acknowledgment.
  - (d) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
  - (e) Summary of military offenses.

- (5) Discharge Authority. An honorable or general (under honorable conditions) discharge shall be issued under Article 1.B.2. of this Manual to a member discharged under this Article. Members in Class "A" School immediately following recruit training who are separated under this Article receive an honorable discharge.

**1.B.9.f. Procedures for Members with Eight or More Years of Service**

Members with eight or more years of service shall be notified and processed in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

**1.B.9.g. Surrender of Uniform**

The member must surrender his or her uniform. (See Article 1.B.36.d. of this Manual.)

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**1.B.10. Transfers at Time of Sailing**

If a member is transferred ashore at time of sailing for misconduct, pending disciplinary action, or inability to make deployment for medical reasons and action for separation as indicated, the commanding officer of the unit initiating the transfer must send all available data on the member, including his or her recommendation and full documentation for separation, to the SPO to help avoid discharge processing delays.

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**1.B.11. Expiration of Enlistment**

**1.B.11.a. General**

Unless a member voluntarily or involuntarily remains beyond the normal enlistment expiration date as provided in this Article or by other instructions the Commandant issues, a member shall be discharged or released from active duty and transferred to the Reserve to fulfill any remaining service obligation on the day before the applicable enlistment anniversary date (see Article 1.B.7. of this Manual.) for conditions allowing early separation within three months of the date service normally expires. A member who has declined to reenlist on the day after discharge shall not be discharged in a foreign country except when Commander (CG PSC-EPM-1) specifically authorizes or as authorized by Article 1.B.29.a. of this Manual. Members whose normal enlistment expiration date falls on Friday, Saturday, Sunday, or a holiday shall not be separated more than seven days before the normal separation date.

**1.B.11.b. Making up Lost Time**

An enlisted Coast Guard member absent from duty due to the causes listed below for more than one day on return to full duty is obligated to serve for any period necessary to complete a full term of enlistment or obligated service. This does not preclude the member recommended for reenlistment from separating early for immediate reenlistment under Article 1.B.7. of this Manual.

- (1) Desertion, or
- (2) Absence without proper authority, including the civil arrest situations outlined in reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), or
- (3) Confinement under sentence which has become final, or
- (4) Confinement while awaiting trial and disposition of the member's case, and whose conviction has become final, or
- (5) Intemperate use of drugs or alcoholic liquor or disease or injury resulting from the member's own misconduct.

**1.B.11.c. Extending Enlistment in Time of War or National Emergency**

The Secretary may extend all Coast Guard members' enlistments during time of war or national emergency.

**1.B.11.d. Cutter at Sea**

No member will separate from a cutter at sea. Except as otherwise provided in this paragraph, a member whose enlistment expires shall remain in the Coast Guard until the cutter on which the member serves first arrives at its permanent station or a port in a state of the United States or the District of Columbia (14 U.S.C. §367(a)(1)).

- (1) The member may voluntarily extend enlistment. Commanding officers are hereby authorized under Article 1.B.1.a. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), to accept one voluntary enlistment extension for any number of full months.
- (2) Subject to such restrictions as higher command imposes, a cutter's commanding officer may discharge fully qualified members so they can reenlist immediately while the cutter serves at sea. As provided in Article 1.B.7.b. of this Manual, commanding officers may effect the discharge any time within three months before the normal enlistment expires up to the normal expiration of enlistment.
- (3) A member serving on a cutter in foreign waters on the date his or her enlistment or extension expires who declines to reenlist and does not voluntarily extend the enlistment under Article 1.B.11.d.(1). of this Manual remains in the Coast Guard until the cutter returns to a port in the CONUS or the member transfers there to separate. If the cutter's commanding officer certifies and the cognizant superior command ashore concurs retaining the member is essential to the public interest, the member is entitled to an increase of 25 percent in basic pay for the retention period (10 U.S.C. §5540 and 14 U.S.C. §367). If a member remains beyond enlistment expiration for lack of transportation, because his or her continued service is merely desirable, or he or she derives some benefit from continued service, opposed to retention because such services are essential to the public interest, the member is not entitled to the 25 percent increase in basic pay. A member so retained shall separate at the earliest possible date after arrival in the CONUS and in any case within 30 days after arrival.

10 U.S.C. §5540 excludes members retained beyond enlistment expiration at shore stations; on cutters on duty in waters in or around United States possessions and territories or in ports or waters within U.S. sovereign jurisdiction; and Reserve members retained on active duty beyond the expiration of their period of active duty, distinguished from the normal date enlistment expires. The member must execute the signed statement required by Article 1.B.29.b. of this Manual. Reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series), contains procedures for documenting whether the retention was essential to the public interest and for recording the cutter's location when the member's enlistment expired. Reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), contains instructions governing payment of the 25 percent addition to basic pay.

**1.B.11.e. Attached to Shore Station OCONUS**

A member attached to a shore station in a foreign country on the date his or her enlistment or extension expires may be detained in service up to three months:

- (1) If not immediately reenlisting, until first arrival at a port where separation can be effected. (See Article 1.B.29.b. of this Manual.); or
- (2) If immediately reenlisting, until reenlistment can be effected at current station; or
- (3) If not immediately reenlisting and requests separation in the area where serving under the provisions of Article 1.B.29.a. of this Manual, until separation can be effected.

**1.B.11.f. Undergoing Medical Treatment or Hospitalization**

(1) Incident to Service.

(a) An active duty member whose enlistment expires while he or she suffers from a disease or injury incident to service and not due to his or her own misconduct and who needs medical care or hospitalization may remain in the Service after the normal enlistment expiration date with his or her consent, which should be in writing and signed by the ill member, and recorded in accordance with reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series). He or she may remain until recovered to the point he or she meets the physical requirements for separation or reenlistment or a medical board ascertains the disease or injury is of a character that prevents recovery to such an extent. Tacit consent may be assumed if mental or physical incapacity prevents informed consent. A member in this category ordinarily will remain up to six months after the enlistment expiration date; however, the Commandant may authorize further retention on proper recommendation accompanied by the supporting facts. (See 14 U.S.C. §366 and Article 1.B.6. of this Manual.)

(b) If the member desires separation, it shall be effected, provided the member signs this entry on an Administrative Remarks, Form CG-3307, entry in the PDR,

witnessed by an officer, when examined for separation:

“I, [Member’s name] , desire to be separated from the Coast Guard on my normal expiration of active obligated service date. I understand I will not be eligible for further follow-up studies or treatment at a U.S. Uniformed Services medical facility or disability benefits under laws the Coast Guard administers, and any further treatment or benefits would be under the Veterans' Administration’s jurisdiction.”

- (c) An untimely separation of a member subject to a physical evaluation board proceeding may prejudice the case because the law requires making necessary physical disability determinations while the member is entitled to receive basic pay except for members on duty 30 or fewer days (10 U.S.C. §1204). Commanding officers should explain this to any member whose enlistment or term of active service is about to expire and requests discharge or release from active duty before the board so determines. If the member does not withdraw the request following such explanation, the statement below shall be entered in the member's PDR on an Administrative Remarks, Form CG-3307, entry. The member signs this statement and an officer witnesses it.

“I, [Member’s name), desire to separate from the Coast Guard despite the fact separation may prejudice any rights or benefits to which I may be entitled as a result of physical evaluation board hearings under 10 U.S.C. §61. I have been duly advised of my rights in this matter and request the Coast Guard to discharge me as soon as possible without further hearing and without disability, retirement, or severance pay and without any compensation whatsoever. I understand I am not required and am under no obligation to give this statement and I hereby certify I give this statement voluntarily.”

- (d) No member shall separate until the Commandant has taken final action on any pending Physical Disability Evaluation System (PDES) board, unless the member desires separation and meets the provisions of Article 1.B.11.f.(1)(b). or 1.B.11.f.(1)(c) of this Manual.
- (2) Disability Not in Line of Duty or Misconduct. A member undergoing hospitalization for injury, sickness, or disease not incurred in the line of duty or due to his or her own misconduct will not be detained under Article 1.B.11.f. (1) of this Manual. Unless the enlistment is extended by some other provisions of law or instructions, a medical board should be held on a member in this status sufficiently early to permit the Commandant to act on a recommendation for disposition before the enlistment expires. (See Article 1.B.6. of this Manual.)
- (3) Disability Due to Misconduct. If a member is undergoing hospitalization for injury, sickness, or disease due to his or her own misconduct, his or her enlistment automatically is extended by such lost time. (See Article 1.B.11.b. of this Manual.)

A medical board should be held on members in this status sufficiently early to permit the Commandant to act before the normal enlistment expiration date if the member were not in a misconduct status.

**1.B.11.g. Serving as Temporary Commissioned Officer**

Enlistments are extended automatically for members whose normal enlistment expiration date occurs while they are serving as temporary commissioned officers.

**1.B.11.h. Awaiting or Undergoing Court-Martial Trial and Punishment**

(1) Unless the Commandant directs otherwise, a member awaiting trial by court-martial will be held for trial beyond the normal enlistment expiration date. If convicted, the member will be held as provided below:

- (a) Members whose summary or special court-martial sentence does not include a bad conduct discharge will be held until they serve any sentence to confinement or in any event until the supervisory authority completes final action and disposes of the case.
- (b) Members whose general court-martial sentence does not include a punitive discharge will be held until they have completed any sentence to confinement, and in any event until the convening authority has completed action.
- (c) Members whose special or general court-martial sentence does contain a punitive discharge will be held until the appellate review process is complete and the Commandant approves or disapproves the sentence, as provided in reference (g), Military Justice Manual, COMDTINST M5810.1 (series). Refer to reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

(2) Request instructions from the Commandant sufficiently in advance to permit receiving a reply by the normal eligible date for separation if:

- (a) The supervisory authority has not completed final action, or
- (b) A probationary term would extend beyond normal enlistment expiration, or
- (c) The member has not served out an approved sentence involving forfeiture of pay, deprivation of liberty, or extra duties.

(3) A member serving out an approved sentence of confinement will be held beyond the expiration of term of service to serve out the punishment imposed.

**1.B.11.i. Retention When Essential to Public Interest**

Commanding officers may detain a member in service beyond the enlistment term for up to 30 days when the member's service is essential to the public interest, in the circumstances below. Refer to reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

- (1) The member is required as a witness in a proceeding pending when enlistment normally expires. Hold the member in an extended enlistment status until the proceeding has been completed.
- (2) The member's records and accounts have not been received when the enlistment normally would expire. Hold the member in an extended enlistment status pending receipt of such records.
- (3) If the pre-separation physical examination finds a disqualifying physical or mental defects.
- (4) The member is performing flood, hurricane, or any other emergency duty when enlistment expires.

**1.B.11.j. Voluntary Extension of Enlistment for Administrative Discharge Processing.**

A member may not be involuntarily extended beyond the expiration of his or her enlistment for the sole purpose of administrative discharge processing. This includes members whose enlistments are extended for a court-martial who do not receive a punitive discharge as part of the sentence. However, a member may execute a voluntarily extension for the purpose of exercising his or her right to an Administrative Board conducted under Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). The voluntary extension must be executed for at least one year to allow the board to be completed, including final action.

**1.B.11.k. Transfer to the Reserve in Lieu of Discharge**

Upon expiration of enlistment, an enlisted regular Coast Guard member who has an obligation under 10 U.S.C. §651 will be transferred to the Coast Guard Reserve under Article 1.B.25. of this Manual in lieu of being discharged. Women who enlisted on or after 1 February 1978 incurred an obligation under 10 U.S.C. §651. Aliens have no military obligation under 10 U.S.C. §651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

**1.B.11.l. Type of Discharge**

A member discharged for enlistment expiration shall be given an honorable or general discharge as appropriate under Article 1.B.2.f. of this Manual.

**1.B.11.m. Surrender of Uniform**

The member may have to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

## **1.B.12. Convenience of the Government**

### **1.B.12.a. Reasons for Discharge**

Commander (CG PSC) may authorize or direct enlisted members to separate for the convenience of the Government for any of these reasons. Except as otherwise indicated below, members separated for the convenience of the Government are not entitled to an administrative discharge board.

- (1) General demobilization, reduction in authorized strength or by an order that applies to all members of a class of personnel specified in the order.
- (2) Acceptance of a commission or appointment or acceptance into a program leading to an active duty commission or appointment in any Armed Forces branch.
- (3) National health, safety, or interest.
- (4) For immediate enlistment or reenlistment in the regular Coast Guard, provided reenlistment is for a longer term of service than required under the existing obligation.
- (5) Erroneous enlistment, reenlistment, extension, or induction including among others:
  - (a) A member enlisted or reenlisted, but erroneously was given a higher grade than that to which entitled. See reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series).
  - (b) A member enlisted or reenlisted, but is determined to have more than the maximum number of dependents authorized. See reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series).
- (6) To provide member's early separation under various authorized programs and circumstances.
- (7) A member's inability to perform prescribed duties, repeated absenteeism, or non-availability for worldwide assignment.
- (8) To provide the discharge of conscientious objectors.
- (9) Motion sickness.
- (10) Obesity, provided a medical officer certifies a proximate cause of the obesity is excessive voluntary intake of food or drink, rather than organic or other similar causes apparently beyond the member's control.
- (11) Unsatisfactory performers, provided that the notification, observation, and, if

applicable, administrative discharge board requirements in Article 1.B.9. of this Manual have been complied with. (See also Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsatisfactory performance.)

- (12) A condition that, though not a physical disability, interferes with performance of duty. This basis for separation includes any medical condition identified in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), which is disqualifying for appointment, enlistment or induction, but does not qualify the member for processing under reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series). Before ordering separation, Commander (CG PSC-EPM-1) should consider evidence of the likelihood that medical treatment will resolve the condition in a reasonable amount of time, particularly in cases involving alcohol dependence or inadvertent misuse of controlled substances that results in drug dependence. However, evidence of unsuccessful treatment, treatment failure, refusal to participate in treatment, or a relapse or recurrence of the medical condition after treatment, shall also be considered, and sway heavily in favor of separation.
- (13) At the individual member's written request to permit him or her to enter or return to an accredited college or university. (See Article 1.B.8. of this Manual.)
- (14) When a member is found to be serving in a constructive enlistment.
- (15) As a result of the issuance of a writ of habeas corpus wherein it has been determined the member's retention in the Coast Guard is illegal.
- (16) When the Commandant so directs for good and sufficient reasons.
- (17) When the Secretary of Homeland Security directs any member to separate before his or her term of service expires, if the Secretary determines such a separation is in the Coast Guard's best interest.
- (18) At the member's written request to carry out parental responsibilities for care of newborn children. (See Article 1.E. of this Manual.)
- (19) Failure to obligate required service within five working days of permanent change of station (PCS) orders issuance in accordance with Article 1.B.6. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).

#### **1.B.12.b. Commanding Officer's Authority**

Commanding officers are authorized to separate early members who request to reenlist in lieu of extending under these circumstances:

- (1) To meet the obligated service requirement for transfer or training.
- (2) To meet the two-year obligated service requirement to advance to E-7, E-8, or E-9.

See Articles 1.B.1.a. and 3.A.19.e. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series).

**1.B.12.c. Character of Discharge**

A member being discharged for the Government's convenience shall be given an honorable or general discharge, as appropriate, under Article 1.B.2. of this Manual.

**1.B.12.d. Member's Right to Attorney**

Commanding officers recommending involuntary separation under this Article for a member whose PDR indicates issuance of a general discharge must give the member the opportunity to consult with a lawyer counsel before initiating such action. Include a copy of the member's Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM-1).

**1.B.12.e. Transfer in Lieu of Discharge**

Members eligible for discharge under Article 1.B.12.a.(1), 1.B.12.a.(3), or 1.B.12.a.(17) of this Manual may be required to transfer to or enlist in the Coast Guard Reserve in lieu of discharge.

**1.B.12.f. Discharge for Other Reasons**

If the commanding officer believes separation should not be for the convenience of the Government, but for unsuitability, misconduct, or any other reason, he or she will send a suitable recommendation to Commander (CG PSC-EPM-1) for consideration. Cases in this category include those in which the member's record shows commission of serious military offenses, a generally unsatisfactory military record, or other good, sufficient cause in the commanding officer's opinion.

**1.B.12.g. Surrendering Uniform**

Any member discharged under Article 1.B.12.a.(8), 1.B.12.a.(11), 1.B.12.a.(15), 1.B.12.a.(16), or 1.B.12.a.(17) of this Manual is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

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**1.B.13. Discharge for Minority (Under Age)**

**1.B.13.a. Authorization**

Commander (CG PSC) may authorize or direct the discharge of enlisted members for minority under law or as an administrative act when he or she considers such to be in the Government's best interest.

**1.B.13.b. Definition**

Under this Article, a person under the age of 18 is considered a minor. A minor must be at least 17 years of age and must obtain written parent/guardian consent before enlisting, in accordance with Reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series). Also see Reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series), for exceptions to the requirement for written consent for married and emancipated minors.

**1.B.13.c. Commanding Officer's Action**

If it comes to the attention of a commanding officer that a member under the age of 18 may have enlisted in the Coast Guard without proper written consent, when required, or a minor's age may have been misrepresented, the commanding officer shall report such information to Commander (CG PSC-EPM-1) for disposition and include this information in his or her report:

- (1) Documentary evidence of the minor's true age.
- (2) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
- (3) The custodial parent or legal guardian's request for discharge, if received.
- (4) The minor's voluntary statement about the circumstances attending enlistment.
- (5) If the minor is 17 years of age or older, the commanding officer's opinion as to whether the minor is sufficiently mature for retention.

**1.B.13.d. Discharge Location**

A member discharged under this Article will be separated at his current duty station, unless the provisions of Article 1.B.29. of this Manual apply.

**1.B.13.e. Minimum Enlistment Age**

The minimum enlistment age, 17 years, governs discharge for minority.

- (1) Discharge is mandatory when a minor is determined to be under the minimum enlistment age. The custodial parent or legal guardian's application for discharge is not required.
- (2) If a minor enlisted without proper consent has attained the age of 17, Commander (CG PSC-EPM-1) authorizes or directs discharge on receiving satisfactory evidence of true age, provided:
  - (a) The Coast Guard has received an application for discharge that the custodial parent or legal guardian submitted within 90 days of the enlistment, and

(b) The minor has not attained age 18 when discharge is effected.

**1.B.13.f. Policies**

The Service will not discharge a minor while he or she needs medical treatment or undergoes hospitalization. A minor enlisted without proper consent or who misrepresented his or her age is subject to trial by court-martial for breaches of regulations to the same extent as other enlisted members. The Service may hold such minors for trial and punishment if they commit an offense before release, notwithstanding the custodial parent or legal guardian's request for discharge.

**1.B.13.g. Fraudulent Enlistment**

The enlistment of a minor who enlisted with false representation of age or without proper consent will not in itself be considered a fraudulent enlistment.

**1.B.13.h. Service Obligation**

A member whose enlistment terminates for minority shall not, as a rule of such enlistment, be considered to have acquired a service obligation under 10 U.S.C. §651. Service under any enlistment so terminated is not creditable toward fulfilling any subsequently acquired service obligation.

**1.B.13.i. Character of Discharge**

A member discharged for minority shall be given an honorable or general (under honorable conditions) discharge, as appropriate, under Article 1.B.2.f. of this Manual.

**1.B.13.j. Opportunity for Counsel**

Commanding officers recommending a member for involuntary separation hereunder, whose PDR indicates issuance of a general (under honorable conditions) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM-1).

**1.B.13.k. Reenlistment**

When a commanding officer considers a member separated for minority otherwise sufficiently mature for service and in all respects qualified, obtain the reenlistment code entered on DD Form 214 from Reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series).

**1.B.13.l. Notifying Next of Kin**

The commanding officer notifies the next of kin of the date and place of discharge, but not the type of discharge and reasons for it. (The Privacy Act of 1974, 5 U.S.C. §552a,

prohibits disclosing this information.)

**1.B.13.m. Surrender of Uniform**

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

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**1.B.14. Disability**

In accordance with 10 U.S.C. § 1214, no member of the Armed Forces may be retired or separated for physical disability without a full and fair hearing if he/she demands it.

**1.B.14.a. Medical Board**

A medical board shall be held when any circumstance listed in Section 3.D. of Reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), exists or competent authority directs. Reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), contains procedures for the medical board's report. If a member has remained in the Service with his or her written consent beyond the enlistment expiration under Article 1.B.11.f. of this Manual, the report shall clearly indicate the following:

- (1) Patient's status (held beyond normal enlistment expiration date or not).
- (2) Date of admission to sick list.
- (3) Whether the member concerned is physically qualified for discharge.

**1.B.14.b. Discharge for Physical Disability**

Commander (CG PSC-EPM-1) may direct or authorize the discharge of an enlisted member for physical disability not incurred in or aggravated by a period of active military service through final action on a physical evaluation board under the following conditions:

- (1) A Physical Evaluation Board has expressed the opinion that:
  - (a) The member does not meet the minimum standards for retention on active duty,
  - (b) The member is unfit for further Coast Guard service by reason of physical disability, and
  - (c) The physical disability was neither incurred in nor aggravated by a period of active military service.
- (2) The member's commanding officer and district commander concur in the board's opinion.

(3) The member has been fully informed of his or her right to a full, fair hearing and the member states in writing he or she does not demand such a hearing. This statement shall be executed using the following form:

**CERTIFICATE OF FULL AND FAIR HEARING**

[Date]

I hereby certify it has been fully explained to me a medical board has found I am suffering from a physical disability, namely [diagnosis], and this disability existed before my initial or current entry into the United States Coast Guard on [date of initial or current entry] and was neither incurred in nor aggravated by a period of military service.

I further certify it has been fully explained to me under 10 U.S.C. §1214 and the regulations in Chapter 2, Military Separations, COMDTINST M1000.4 (series), I am entitled, as a matter of right, to a full, fair hearing before a physical evaluation board before my separation from the United States Coast Guard if I demand such hearing.

I further certify it has been fully explained to me that if I sign this statement, I may be separated from the United States Coast Guard in the near future without further hearing and without disability, retirement, or severance pay, and any compensation whatsoever; however, all payments ordinarily accruing to personnel discharged under honorable conditions are due and payable.

With full knowledge of the findings of the medical board convened in my case and of my rights in this matter, I hereby certify I do not demand a hearing before a physical evaluation board and request I be separated from the United States Coast Guard as soon as possible.

\_\_\_\_\_  
[Signature]

Witnessed by:

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Rank of Witness]

\_\_\_\_\_  
(Date)

Subscribed and sworn to before me this day of (Month), (Year), I having the authority to administer oaths.

\_\_\_\_\_  
(Signature / Rank)

(4) Enlisted members will be discharged for physical disability not incurred in or aggravated by a period of active military service without processing before a physical evaluation board only if the medical board's report clearly and fully establishes such findings.

(5) If a medical board finds a member is disabled for mental disability incurred before enlistment without any service aggravation, the member will be ordered before a physical evaluation board unless the statement required by subparagraph (3) is supported by a medical determination that the member possesses sufficient mental capacity and responsibility to intelligently understand he or she has a right to a full, fair hearing and fully understands the import of the statement that he or she does not demand such a hearing.

**1.B.14.c. (Reserved)**

**1.B.14.d. Discharge Site**

A member discharged under this Article will be separated at his or her current duty station unless Article 1.B.29. of this Manual applies.

**1.B.14.e. Character of Discharge**

A member discharged for physical or mental disability shall be given an honorable or general (under honorable conditions) discharge, as appropriate, under Article 1.B.2.f. of this Manual.

**1.B.14.f. Opportunity for Counsel**

Commanding officers recommending a member for involuntary separation hereunder, whose PDR indicates issuance of a general (under honorable conditions) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the current Enlisted Employee Review printed from Direct Access and a copy of the Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the discharge recommendation submitted to Commander (CG PSC-EPM-1).

**1.B.14.g. Confidentiality**

No one shall furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based to anyone except in a letter separate from any other letter, document, etc., furnished to the member on discharge. If a commanding officer believes the underlying reason for discharge, if revealed, will detrimentally affect the member concerned, he or she will not furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based. If a commanding officer does not furnish the diagnosis on application for it, he or she shall advise the member being discharged to apply to Commandant (CG-11).

**1.B.14.h. Claim for Compensation**

No member may be discharged or released from active duty in the Armed Forces for disability until he or she executes (or refuses to execute) a claim for compensation, pension, or hospitalization to be filed with the Department of Veterans Affairs (VA), or signs (or refuses to sign) a statement that he or she has received an explanation of the right to file such claim. Refusal or failure to do so does not prejudice any right such member may thereafter assert. 10 U.S.C. §1218(b).

**1.B.14.i. Applying for Benefits**

Under the Privacy Information Act, the VA may not grant compensation or a pension unless the member fully completes an applicable VA form. On separation from the Service, the service member should complete the application, attach the required records or forms listed in the instructions, and send the completed form to the VA Regional Office with jurisdiction over the area where the separated member intends to reside. A member who has any questions about this form should contact the VA Regional Office.

**1.B.14.j. Surrender of Uniform**

The member may be required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

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**1.B.15. Unsuitability****1.B.15.a. By Commandant's Direction**

Commander (CG PSC) shall direct the discharge of enlisted members for unsuitability except as provided in Article 1.B.15.e. of this Manual. A discharge for unsuitability in lieu of disciplinary action will not be issued unless Commander (CG PSC) determines the Service's and the member's interests will best be served by administrative discharge. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsuitability.

**1.B.15.b. Causes for Discharge for Unsuitability**

The purpose of discharges for unsuitability is to free the Service of members considered unsuitable for further service because of:

- (1) Inaptitude. Applies to members best described as unfit due to lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn.
- (2) Personality Disorders. As determined by medical authority, personality behavior disorders and disorders of intelligence listed in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), Chapter 5.
- (3) Apathy, defective attitudes, adjustment disorders as listed in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), Chapter 5, inability to expend effort constructively, or other observable defect for which a separation designator code (SPD code) exists that renders a member unsuitable for further military service.
- (4) Unsanitary Habits.
- (5) Alcohol Abuse. See Article 2.B. of reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), for guidelines on alcohol abuse cases.
- (6) Financial Irresponsibility.

**1.B.15.c. Probation**

Commanding officers will not initiate administrative discharge action for inaptitude, apathy, defective attitudes, unsanitary habits, or financial irresponsibility until they have afforded a member a reasonable probationary period to overcome these deficiencies. When commands contemplate discharging a member for these reasons, they shall counsel the member that a formal probationary period of at least six months has begun and make an appropriate Administrative Remarks, Form CG-3307, entry in the member's PDR that administrative discharge processing will be initiated unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge this entry in writing. Commanding officers are authorized to recommend discharge at any time during probation if the member is not attempting to overcome the deficiency. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1).

**1.B.15.d. Member's Rights**

In each case processed in accordance with this Article, commanding officers shall:

- (1) Advise the member in writing, using the letter and endorsement described in Article 1.B.9. of this Manual to inform the member of the reason(s) he or she is being considered for discharge. Specifically state one or more of the reasons listed in Article 1.B.15.b. of this Manual.
- (2) Afford the member the opportunity to make a written statement on his or her own behalf. If the member does not desire to make a statement, commanding officers shall state such fact in writing over the member's signature and that shall constitute his or her statement. If the member refuses to execute any statement whatsoever, the commanding officer will so state.
- (3) Afford the member an opportunity to consult with a lawyer as defined in Article 27 (b) (1), UCMJ, if the member's character of service warrants a general discharge. If the member is entitled to and requests counsel and one is not available, a commanding officer must delay discharge proceedings until one is available.

**1.B.15.e. Discharging Members**

District commanders, logistics/service center commanders, and commanding officers of training centers are authorized to discharge enlisted members having fewer than four months' active service in an original enlistment in the Coast Guard for unsuitability.

- (1) If such an enlisted member is deemed unfit for further retention solely for inaptitude as set forth in Article 1.B.15.b. of this Manual, a medical board is not required.
- (2) A member discharged under authority of this paragraph is normally issued an honorable discharge if he or she has sincerely attempted to maintain proper military behavior and perform his or her duties proficiently and industriously. Issuing a general discharge is warranted if there is evidence of misbehavior, bad faith, or failure to make a proportionate effort having due regard for his or her rate and capabilities. Commanding officers shall summarize the basis on which awarding a general discharge on an Administrative Remarks, Form CG-3307, entry in the member's PDR. The entry should reflect a record of disciplinary infractions in training, culpable failure to conform to minimum standards for recruit, prior service, or Reserve training, or poor attitude.

**1.B.15.f. Notification**

If the Commander (CG PSC-EPM-1) directs a discharge, the letter or message directing the discharge will state the type (honorable or general) to be issued. See Article 1.B.15.k. of this Manual for submitting message recommendations.

**1.B.15.g. Site of Discharge**

A member discharged under this Article will be separated at his or her current duty station, unless Article 1.B.29 applies.

**1.B.15.h. Physical Examination**

A member under consideration for discharge for unsuitability must have a physical examination performed by a Public Health Service or Armed Forces medical officer in order to identify and record any physical or mental impairment that the member may have. If one is not available locally, a contract physician may perform the exam.

- (1) When psychiatric considerations are not involved, the medical officer will submit a narrative summary on the Report of Medical Examination, Form DD-2808, and the Report of Medical History, Form DD-2807-1, describing the essential points of the member's mental and physical condition. The examining physician shall describe the condition in terminology set forth in section 3.F of reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series).
- (2) If psychiatric considerations are involved (i.e., cases involving conditions dealing with the mind, mental processes, feelings, desires, behavior, personality traits, thoughts, attitudes, etc) a psychiatrist shall describe the condition in terminology set forth in section 5.B. of reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series). His or her report will also include a statement whether the individual was and is mentally capable both to distinguish right from wrong and adhere to the right and has the mental capacity to understand the action being contemplated in his or her case.

**1.B.15.i. More than Eight Years' Service**

A member with more than eight years' military service under consideration for discharge for unsuitability is entitled to an administrative discharge board. Include all inactive military service performed in calculating the member's total service for determining eligibility for administrative discharge proceedings. (See Article 1.B.22. of this Manual.)

**1.B.15.j. Documentation**

In every case of discharge for unsuitability, the documents listed below are required. Include them with the recommendation submitted to Commander (CG PSC-EPM-1) for decision or send them to Commander (CG SC-psd-mr) with documents required by Article 1.B.32. of this Manual if the district commander or commanding officer executes the discharge under Article 1.B.15.e. of this Manual.

- (1) A copy of the letter notifying the member of the reason(s) for administrative processing and of his or her rights.

- (2) If applicable, the member's declaration or waiver of opportunity to consult with counsel.
- (3) The member's signed statement of awareness, statement on his or her own behalf, or refusal to make a statement.
- (4) Report of medical board or Medical Record, Form SF-507, as applicable.
- (5) A copy of the Enlisted Employee Review printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
- (6) Summary of military offenses.
- (7) Any other pertinent comments or recommendations over the commanding officer's signature.

**1.B.15.k. Submitting by Message**

Submit recommendations for a discharge for unsuitability by message in situations which serve both the member's and the Coast Guard's best interest. This procedure affects only the format and method of transmitting the commanding officer's recommendation. All fundamental requirements of this Article still apply. Obtain all complete documents required immediately above; the commanding officer must verify them before submitting the recommendation.

- (1) Message format is considered appropriate only for recommending discharges in cases involving all of the following factors:
  - (a) The commanding officer recommends discharge because he or she considers the member unsuitable for further service due to a duly diagnosed personality disorder under Article 1.B.15.b. of this Manual and
    - [1] A psychiatrist so diagnosed at a Uniformed Service medical facility.
    - [2] Medical statements attesting the absence of ratable disability and presence of mental competency required in Article 1.B.15.h. of this Manual have been obtained.
  - (b) The commanding officer contemplates honorable or general discharge, as determined by Article 1.B.2.f. of this Manual. If a general discharge is contemplated, ensure compliance with Article 1.B.15.d.(3) of this Manual.
  - (c) The member being processed has fewer than eight years total active or inactive military service, has been notified in writing of the specific action proposed with the reason(s) for it, and has indicated in a written statement he or she substantially

agrees.

- (d) No disciplinary action is pending.
- (2) The message format is not appropriate in cases in which the member's record does not indicate poor performance or substandard conduct and the member's personality disorder has only recently become apparent.
- (3) A FOUO message recommendation shall contain the applicable information indicated below for the appropriate designating letter under the subject as indicated:

<b>RECOMMENDATION FOR UNSUITABILITY DISCHARGE</b>	
<b>ALPHA</b>	Name, social security number, and rate of member recommended for discharge.
<b>BRAVO</b>	Diagnosis code (ICD) as listed in Chapter 5 of reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series).
<b>CHARLIE</b>	Name and address of psychiatrist on whose diagnosis recommendation for discharge is based and date of diagnosis.
<b>DELTA</b>	Statement no ratable disability exists and member is certified mentally competent.
<b>ECHO</b>	If general discharge is contemplated, statement the member was afforded right to legal counsel at the outset of discharge proceedings. (If member requested counsel, include name, grade, and unit counsel assigned or statement of member's waiver of right to counsel.)
<b>FOXTROT</b>	Member's statement on own behalf if he or she desires to make one or "I do not desire to make a statement." If member makes a statement, quote in entirety where feasible.
<b>GOLF</b>	Years and months of total active and inactive military service.
<b>HOTEL</b>	Average proficiency, leadership, and conduct marks through 30 June 1983, and the average marks for each factor for period after 30 June 1983. Article 12.B.48.b. of this Manual for direction in determining the average marks of a member (non-rated, petty, or chief petty officer) who was evaluated using more than one form during his or her enlistment.
<b>INDIA</b>	Statement no disciplinary action is pending.
<b>JULIET</b>	Recommendation on surrendering uniform.
<b>KILO</b>	Grade, name, and title of officer verifying documentation and making the recommendation. Normally the regularly assigned commanding officer does this personally. Must be a commissioned officer.
<b>LIMA</b>	No separation pay authorized.

**1.B.15.l. Surrender of Uniform**

The member must surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

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**1.B.16. Security**

When a member's retention in the Coast Guard is not clearly consistent with the interest of national security, the Commandant will direct a discharge for security reasons with the discharge character and conditions as stipulated in current directives dealing directly with this matter.

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**1.B.17. Misconduct****1.B.17.a. Policy**

Except as specifically provided here, only Commander (CG PSC) may direct a discharge for misconduct and the type of discharge (under other than honorable, general, or honorable) as warranted by the particular circumstances of a given case (see Article 1.B.2. of this Manual.). Disability evaluation processing will be terminated as described in Article 1.B.1.e. of this Manual for members discharged for misconduct. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for misconduct.

**1.B.17.b. Reasons to Discharge for Misconduct**

Commander (CG PSC) may direct discharging a member for misconduct in any of these cases:

- (1) Civilian or Foreign Conviction. Conviction by foreign or domestic civil authorities or action taken tantamount to a finding of guilty, e.g., adjudication withheld; deferred prosecution; entry in adult/juvenile pretrial intervention programs, or any similar disposition of charges which includes imposition of fines, probation, community service, etc., of any offense which could warrant a punitive discharge if prosecuted under the Uniform Code of Military Justice (UCMJ). Whether a civilian offense could warrant a punitive discharge shall be determined by examining the maximum authorized punishment for the same or the most closely related offense under the UCMJ and the Manual for Courts-Martial (including Rule for Courts-Martial 1003(d)). A member subject to discharge because of conviction by civil court may be processed for discharge even though an appeal of that conviction has been filed or intent to do so has been stated.
- (2) Pattern of Misconduct. Members may be separated when they have:
  - (a) Two or more non-judicial punishments, courts-martial, or civilian convictions or a combination thereof within a 2-year period,
  - (b) Three or more unauthorized absences, each is at least three or more days, within a 2-year period,

- (c) Six or more unauthorized absences and the total amount is at least six days, within a 2-year period,
  - (d) A pattern of failure to contribute adequate support to dependents (see Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series)),
  - (e) A pattern of failure to pay just debts, or
  - (f) A pattern of shirking.
- (3) Commission of a Serious Offense. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings. An acquittal or finding of not guilty at a judicial proceeding or not holding non-judicial punishment proceeding does not prohibit proceedings under this provision. However, the offense must be established by a preponderance of the evidence. Police reports, CGIS reports of investigation, etc. may be used to make the determination that a member committed a serious offense.
- (a) Members may be separated based on commission of a serious military or civilian offense when:
    - (1) The specific circumstances of the offense warrant separation; and
    - (2) The maximum penalty for the offense or closely related offense under the UCMJ and Manual for Courts-Martial includes a punitive discharge. The escalator clause of Rule for Courts-Martial 103(d) shall not be used in making this determination.
  - (b) Mandatory administrative discharge processing is required for members who engage in drunken or impaired operation of a vehicle, aircraft, or vessel. Prior to initiating administrative discharge processing, a commanding officer may submit a memorandum to CG PSC-EPM-1 with a recommendation that the member should be retained, in spite of evidence that the member engaged in drunken or impaired operation of a vehicle, aircraft, or vessel, if mitigating circumstances or an exceptional situation warrants consideration for retention. Absent such a request, or if the request is denied, administrative discharge processing shall be initiated for:
    - (1) Any member who is convicted by domestic or civil authorities, convicted by court-martial, or on whom non-judicial punishment is imposed for drunken or impaired operation of a vehicle, aircraft, or vessel;
    - (2) Any member who refuses to take a blood alcohol test by a recognized authority for suspicion of drunken or impaired operation of a vehicle, aircraft, or vessel; or
    - (3) A situation where the member's commanding officer has made a written finding (in a negative Administrative Remarks, Form CG-3307 entry) setting forth the facts of the matter, and that based on a preponderance of the

evidence, the member was drunk or impaired while operating a vehicle, aircraft, or vessel in violation of Federal, state, or local law.”

- (c) Voluntary alcohol consumption is not an excuse for misconduct and does not mitigate the impact of misconduct. This basis for separation, not unsuitability under Article 1.B.15 of this Manual, shall be used for all alcohol incidents that involve serious misconduct (including, but not limited to: domestic violence; ; hazing; drunken or impaired operation of a vehicle, aircraft, or vessel; or other misconduct that meets the definition of a serious offense in this Article). With the exception of cases involving a second or third alcohol incident, or drunken or impaired operation of a vehicle, aircraft, or vessel, commanding officers have discretion to determine whether or not to initiate administrative discharge processing for commission of a serious offense, after a careful review of the circumstances of the case. However, commanding officers and administrative boards are prohibited from designating unsuitability as the basis for separation if administrative separation processing is required by this Manual or reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), and the evidence supporting separation includes any misconduct addressed in this Article. Unsuitability shall only be designated as the basis for separation in alcohol incident cases involving minor misconduct (including but not limited to: underage drinking that does not involve the commission of a serious offense, and short periods of unauthorized absences of several hours or less).
- (4) Drugs.
- (a) Involvement with Drugs. Any member involved in a drug incident or the illegal, wrongful, or improper sale, transfer, manufacture, or introduction onto a military installation of any drug, as defined in Article 1.A.2.k. of reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), will be processed for separation from the Coast Guard with no higher than a general discharge (under honorable conditions).
- (b) Obstructing drug urinalysis testing by tampering with urine samples or documentation, including someone else’s. Tampering includes, among other actions, submitting another person’s sample in place of the member selected for testing, submitting samples containing substances other than urine, and altering the bar code labels, Urine Sample Custody Document, or unit sample ledger. Members discharged under this provision shall be issued no higher than a general discharge.
- (5) Fraudulent enlistment. A member may be discharged for procuring a fraudulent enlistment, induction, or period of active service through any material misrepresentation, omission, or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation of his or her age or without proper consent will not in itself be considered a fraudulent enlistment.
- (6) Civilian conviction of sexual misconduct. Enlisted members convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any

of those acts, while in the Service or found to have been convicted prior to entry into the Service, shall be processed for separation.

### **1.B.17.c. Probation**

Commanding officers must afford a member a reasonable probationary period to overcome deficiencies before initiating administrative discharge action in cases of a pattern of failure to contribute adequate support to dependents (See Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series)), a pattern of failure to pay just debts, or shirking. If a command contemplates discharging a member for reasons contained in this paragraph, the command shall initiate a formal probation or treatment period of at least six months. Additionally, the command shall make an appropriate Administrative Remarks, Form CG-3307, entry in the member's PDR stating the command will initiate administrative discharge processing unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge the entry in writing. For Reservists who are shirking, a letter via Certified Mail, return receipt requested (Restricted Delivery to addressee only), stating the probationary period has begun may substitute for the Administrative Remarks, Form CG-3307, entry. Commanding officers are authorized to recommend discharge at any time during the probation if the member is not making an effort to overcome the deficiency. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1).

### **1.B.17.d Discharging Members with More than Eight Years Service for Misconduct**

Commanding officers shall process all cases in which they contemplate a discharge under other than honorable conditions for misconduct as Article 1.B.23. of this Manual prescribes. In addition, they shall follow that Article's procedures if considering discharging any member with eight or more years of total active and inactive military service for misconduct, even if contemplating an honorable or general discharge.

### **1.B.17.e. Discharging Members with Fewer than Eight Years Service for Misconduct**

Commanding officers shall process members with fewer than eight years of total active and inactive military service recommended for honorable or general discharge for misconduct as follows:

- (1) Inform the member in writing of the reason(s) for being considered for discharge (specifically state one or more of the reasons listed in Article 1.B.17.b. of this Manual supported by known facts).
- (2) Afford the member an opportunity to make a written statement. If the member does not desire to do so, the commanding officer sets forth that fact in writing over the member's signature. If the member refuses to sign a statement his or her commanding officer will so state in writing.
- (3) Afford the member an opportunity to consult with a lawyer as defined by Article 27(b)(1), UCMJ, if contemplating a general discharge. If the member requests counsel and one is not available, the commanding officer must delay discharge

proceedings until such time as counsel is available.

(4) Send the case containing a recommendation and these documents to Commander (CG PSC-EPM-1) for action:

(a) The reason(s) for processing (include reason such as repeated military offenses, drug abuse, indebtedness, etc.)

(b) If the reason(s) is (are) civil conviction(s), include:

- [1] The report Article 1.B.2. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series) requires.
- [2] An official statement from the judge, prosecuting attorney, clerk or other court official reciting the civil statute(s) violated, charges on which tried and convicted, and sentence of the court.
- [3] Witnesses' statements, arrest reports, copies of court records and probation orders, if obtainable, and all other pertinent documents.
- [4] The maximum punishment which could have been imposed for such conviction under the UCMJ, if determinable. Based on the information furnished, Commander (CG PSC-EPM-1) will determine the maximum punishment imposed under 18 U.S.C. or the District of Columbia Code.

(c) Summary of Military Offenses. List in chronological order all disciplinary action during current enlistment, including:

- [1] Dates of non-judicial punishment or court-martial by type.
- [2] Description of offense(s).
- [3] Non-judicial punishment or sentence as approved and approval date.
- [4] All violations of regulations during current confinement with action taken.
- [5] The commanding officer's comments, including information on the counseling requirement for cases processed for a pattern of failure to contribute adequate support to dependents (See Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series).), a pattern of failure to pay just debts, or shirking.
- [6] The commanding officer's recommendation.

(d) These enclosures:

- [1] The copy of the letter notifying the member of the reason(s) for the processing and information on the member's rights and privileges.

- [2] The member's signed statement of awareness of rights and privileges and request to exercise or waiver of these rights.
- [3] The member's signed statement, or member's written, signed statement declining to make a statement.
- [4] A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
- [5] Other pertinent documents such as psychiatric or medical evaluations, statements of any witnesses, police reports, etc.
- [6] A copy of the chain of custody test results form and the appropriate page from unit's drug urinalysis sampling ledger (applicable in cases of recommendations for discharge resulting from a urinalysis indicating drug abuse).

**1.B.17.f. Surrender of Uniform**

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

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**1.B.18. Discharge Adjudged by Court-Martial Sentence**

**1.B.18.a. Definition**

"Discharge" and "discharges" here refer to punitive discharges adjudged by sentence of general or special courts-martial.

**1.B.18.b. Commandant's Policy**

Convening and reviewing authorities should approve adjudged court-martial sentences to punitive discharge in those cases in which the trial record clearly warrants that action and the enlisted member's records and conduct show he or she is not fit for rehabilitation, meaning retention clearly is not in the Government's interest.

**1.B.18.c. Commandant's Approval**

Punitive discharges adjudged as sentences of courts-martial will be executed only on the Commandant's specific approval after appellate review of the sentence is complete. Refer to reference (g), Military Justice Manual, COMDTINST M5810.1 (series). In cases in which confinement and punitive discharge have been imposed and the member has not completed the sentence to confinement when the Commandant approves executing the discharge, the prisoner is discharged and transferred to a federal penal institution to serve the remainder of confinement unless the Commandant remits the balance of the sentence to any confinement remaining at the time of discharge as an act of clemency. See Article 1.F. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series).

**1.B.18.d. Transfers**

Enlisted members sentenced to discharge will be transferred under Article 1.B.28. of this Manual.

**1.B.18.e. Vacating a Suspended Sentence**

If executing a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated under the procedures set forth in reference (g), Military Justice Manual, COMDTINST M5810.1 (series). Commanding officers are directed to carefully consider reports of offenses committed by members serving in such status and undertake proceedings to vacate the suspension of the sentence only if the record clearly establishes such action is appropriate and in the Coast Guard's best interests. For a new offense, the commanding officer may take any of the following actions:

- (1) Impose non-judicial punishment at captain's mast or refer the matter to a court-martial.
- (2) Initiate action to vacate suspension.
- (3) Both (1) and (2). In either instance, the commanding officer should first confer with the appropriate district or staff legal officer.

**1.B.18.f. Surrender of Uniform**

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

**1.B.19. Uncharacterized Discharges (Entry-Level Separations)****1.B.19.a. Applicability**

Uncharacterized discharges are authorized for all members separated while in an entry-level status. An uncharacterized discharge is used for all recruit separations, except as prescribed or authorized by Article 1.B.1.a.(3) of this Manual, and in accordance with Article 1.B.19.b.(2) below.

**1.B.19.b. Authority**

Only Commander (CG PSC-EPM-1) and Commanding Officer, Training Center Cape May, have final authority to discharge a member under this Article.

- (1) Commanding Officer, Training Center Cape May, has the authority to award an uncharacterized discharge to recruits in an entry-level status who:
  - (a) Demonstrate poor proficiency, conduct, aptitude, or unsuitability for further service;

- (b) Fail to complete established physical fitness accession standards;
  - (c) Exhibit pre-existing conditions which do not meet the medical or physical procurement standards in place for entry into the Service;
  - (d) Were accessed into the Service due to an erroneous or fraudulent enlistment; or
  - (e) When compelling circumstances exist, are involved in a drug incident, notwithstanding Article 1.B.17.b.(4)(a) of this Manual.
- (2) Commander (CG PSC-EPM-1) has the authority, when compelling circumstances exist, to award an uncharacterized discharge to any member with any amount of total active service. This may be determined to be appropriate when additional administrative processing solely for the purpose of characterizing the member's service is unnecessarily burdensome, costly, or inefficient, and is not in the Coast Guard's best interest.
- (3) Commander (CG PSC-EPM-1) retains authority to approve or deny waiver requests for recruits. Commanding Officer, Training Center Cape May, may submit waiver requests for recruits found to have disqualifying conditions but who are recommended for retention, or who are being processed for physical disability under Article 1.B.14. of this Manual.

**1.B.19.c. Discharge Certificate**

No discharge certificate will be issued to a member awarded an uncharacterized discharge. Only a Certificate of Release or Discharge from Active Duty, DD Form 214, will be issued.

**1.B.19.d. Counseling**

As with most other types of separations, Commanding Officer, Training Center Cape May, should not initiate an uncharacterized discharge before formally counseling the member about his or her deficiencies and affording an opportunity to overcome them, as reflected in appropriate counseling or personnel records.

**1.B.19.e. Separation Program Designator**

- (1) The following Separation Program Designator (SPD) codes are authorized to be used with uncharacterized discharges:

JCM, JDA, JDK, KDS, JDU, JFA, JFC, JFN, KFN, JFT, JFU, JFV, JFW, JFX, JFY, JGA, LGA, JHF, JND
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- (2) Reentry (RE) codes will be issued only in accordance with Article 1.B.2.g. of this Manual and Reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series).

**1.B.20. Discharge for the Good of the Service**

**1.B.20.a. Request for Discharge**

An enlisted member may request a discharge under other than honorable conditions for the good of the Service. A discharge for the good of the Service is intended as an

Policy is continued on page 1-109

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administrative substitute in situations where a member could potentially face a punitive discharge if convicted by a special or general court-martial. Members may request a discharge for the good of the Service if charges have been preferred against them and the maximum punishment, as described in the Manual for Courts-Martial, for the preferred charges includes a punitive discharge. In determining whether a punitive discharge is authorized, the provisions of Rule for Courts-Martial 1003(d), which permit a punitive discharge in certain circumstances even where a discharge is not otherwise authorized, apply. A member may request a discharge for the good of the Service anytime after charges have been preferred, but if a punitive discharge has been adjudged, the request must be submitted before the convening authority takes action on the sentence. Because this type of discharge is initiated by the member, no prior notice need be given the member, as is required for an involuntary discharge due to misconduct under Article 1.B. of this Manual. A member may request a discharge for the good of the Service as part of a pretrial agreement in which the convening authority agrees to dispose of the charges at non-judicial punishment, refer the charges to a summary court-martial, disapprove an adjudged punitive discharge, or other appropriate consideration.

A request for discharge does not preclude or suspend disciplinary proceedings in a case. The officer who exercises general court-martial jurisdiction over the member concerned determines whether such proceedings will be delayed pending final action on a request for discharge. If the officer exercising general court-martial jurisdiction intends to recommend approval of the request, disciplinary proceedings should normally be held in abeyance unless there is a pre-trial agreement in which the convening authority has agreed to dispose of the charges at non-judicial punishment, refer the charges to summary court-martial, or disapprove any adjudged punitive discharge. Requests for discharge under other than honorable conditions for the good of the Service should be sent through the officer exercising general court-martial jurisdiction for his or her personal review and comment.

#### **1.B.20.b. Legal Counsel**

A member who indicates a desire to submit a request for a discharge under other than honorable conditions for the good of the Service will be assigned military counsel. If the member elects to have civilian counsel at his or her own expense, the record shall indicate the civilian counsel's name, address, and qualifications.

#### **1.B.20.c. Request Format**

A member who persists in the desire to request a discharge under other than honorable conditions under this Article after consultation with counsel personally signs such request using the following memorandum format:

<i>Signature</i>
From: [Rate, name, social security number]
To: Commander (CG PSC-EPM-1)

Thru: [Chain of command]

Subj: REQUEST FOR DISCHARGE UNDER OTHER THAN HONORABLE  
CONDITIONS FOR THE GOOD OF THE SERVICE

Ref: (a) Article 1.B.20., Enlisted Accessions, Evaluations, and Advancements,  
COMDTINST M1000.2, (series).

1. Under the provisions of reference (a), I hereby request a discharge under other than honorable conditions for the good of the Service.
2. I have consulted with [counsel's grade, name, or if civilian, name and title], a member of the Bar in the State of [fill in] who has fully advised me of the implications of such a request. The basis for my request for a discharge under other than honorable conditions for the good of the Service stems from my misconduct contained in the court-martial charges preferred against me in enclosure (1). I request to be administratively discharged. I am completely satisfied with the counsel I have received.
3. I understand if this request is approved I will receive a discharge under other than honorable conditions, which may deprive me of virtually all veterans' benefits based on my current period of active service, and I may expect to encounter substantial prejudice in civilian life in situations in which the type of service rendered in any Armed Forces branch or the character of discharge received there from may have a bearing.
4. I understand once I submit this request, I may withdraw it only with the consent of Commander (CG PSC-EPM-1).
5. I understand I may submit a sworn or unsworn statement on my behalf. [I do not desire to submit a statement.] [My sworn/unsworn statement is submitted herewith as enclosure (2).]
6. I make this request voluntarily, free from any duress. [This request is in conjunction with a pre-trial agreement (PTA) in which the convening authority has conditionally agreed to (dispose of the charges at non-judicial punishment)(refer the charges to a summary court-martial)(disapprove a punitive discharge) pending approval of my request. A copy of the PTA is provided as enclosure ( )]. I have asked my counsel, who has fully explained to me the implications of my request, to witness my signature.
7. I have retained a copy of this request for a discharge under other than honorable conditions for the good of the Service and all enclosures related thereto.

Witnessed by:

\_\_\_\_\_  
Signature of Counsel

<hr/> State licensed
<hr/> Date
Encl: (1) Copy of court-martial charges (2) Member's statement (if any) (3) PTA (if any).

**1.B.20.d. Processing the Request**

The member sends the request for discharge through the chain of command, including the officer exercising general court-martial jurisdiction, to Commander (CG PSC-EPM-1). The member's commanding officer shall recommend approval or disapproval of the member's request with appropriate justification for his or her recommendation, certify accuracy of the court-martial charges, and enclose the following documents in the forwarding endorsement:

- (1) A complete copy of all investigation reports.
- (2) Any other pertinent information, reports, statements, etc., the commanding officer considered in arriving at his or her recommendation.

**1.B.20.e. Coast Guard Personnel Service Center's Review**

The reason for discharge shall be for the good of the Service, and shall be under other than honorable conditions. Commanding officers shall not recommend the member for reenlistment. If Commander (CG PSC-EPM-1) believes the facts do not warrant separation, or the member warrants a more favorable discharge, Commander (CG PSC-EPM-1) may reject the member's request for discharge. If the member is under the sentence of an approved, but unexecuted, punitive discharge, the request must be denied.

**1.B.20.f. Surrender of Uniform**

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

**1.B.21. Canceling Void Enlistments**

**1.B.21.a. Policy**

An enlistment determined to be void from its inception is canceled. A person whose enlistment is canceled by Commander (CG PSC-EPM-1) as being void from its inception will not be issued a discharge certificate.

**1.B.21.b. Definition**

Void enlistments include those entered into while the member is:

- (1) Intoxicated.
- (2) Insane.
- (3) A deserter from the U.S. Armed Forces.
- (4) Enlisted after he or she has received orders for induction.
- (5) Judicially coerced into an enlistment under the circumstances existing in U.S. v. CATLOW, 48 CMR 758 (1974) and its progeny, and
- (6) Enlisted as a result of recruiter misconduct under the circumstances existing in U.S. v. RUSSO, 50 CMR 650 (1975) and its progeny.

**1.B.21.c. Processing After Enlistment Irregularities**

In cases brought to trial by court-martial in which the presiding officer rules during the course of the trial the court lacks personal jurisdiction over the accused due to enlistment processing irregularities, use the following procedures:

- (1) Submit to Commander (CG PSC-EPM-1) a message report containing at a minimum a summary of the witnesses' testimony leading to presiding officer's decision. If the convening authority decides to request a reconsideration of the presiding officer's decision, the message report shall so state.
- (2) While a military court's determination it does not have jurisdiction over a person is conclusive for its purpose, an administrative determination must still be made whether the enlistment is void or valid and whether the Service will release or retain the individual.
- (3) Commander (CG PSC-EPM-1) will administratively determine the nature of the enlistment and direct the action to take in each case: The individual either may be immediately processed for release, retained until the convening authority completes the post-trial review action, or retained in the Coast Guard, depending on the case.
- (4) If release is authorized, process members under Article 1.B.21.f. of this Manual.

**1.B.21.d. Disposition Before Trial**

In cases referred to trial by court-martial in which the defense expresses intent to raise a motion based on lack of personal jurisdiction, the trial counsel conducts a thorough

investigation. If thereafter the convening authority concludes the ends of justice will best be served by an administrative disposition before trial, take the following steps:

- (1) Request the individual to make a sworn statement witnessed by his or her defense counsel stating the basis on which he or she contends his or her enlistment is void.
- (2) Submits a message report to Commander (CG PSC-EPM-1) containing the following information:
  - (a) The accused's full name, rate and social security number.
  - (b) Date and place trial is scheduled.
  - (c) Offenses charged.
  - (d) Recruiter's full name and rate.
  - (e) Recruiter's current duty station (if known).
  - (f) Anticipated testimony of accused.
  - (g) Anticipated testimony of other defense witnesses or a summary of other evidence the defense expects to offer.
  - (h) The recruiter's anticipated testimony. Ensure the recruiter is properly advised of his or her rights before making any statement.
  - (i) Anticipated testimony of other Government witnesses or summary of other evidence the Government will offer.
- (3) If Commander (CG PSC-EPM-1) authorizes releasing the individual, file a copy of his or her statement, the charges, and the release authorization in the member's PDR and process the member for release under Article 1.B.21.f. of this Manual.

#### **1.B.21.e. Other Void Enlistments**

Other cases of apparently void enlistments not arising in connection with courts-martial proceedings shall be reported immediately to Commander (CG PSC-EPM-1), who will confirm the facts, direct the action to take, and determine the disposition of the person concerned.

#### **1.B.21.f. Separating Due to Void Enlistment**

When the decision is made to separate an individual for void enlistment, immediately notify the SPO to terminate the member's pay. The SPO promptly confirms this notice in writing. When separation is directed, the member may retain pay and allowances

previously received, but no further payments will be made, including those for unpaid pay and allowances for accrued leave. The member shall be released as expeditiously as possible consistent with proper administrative procedures, as follows:

- (1) Offer the member the opportunity to take a physical examination. If he or she declines, request him or her to so state in writing and include the written refusal in the member's PDR and Health Record. If the individual refuses to execute a written refusal, make an Administrative Remarks, Form CG-3307, entry in the PDR to that effect. Only medical conditions requiring emergency treatment discovered during the course of a physical examination will be treated, and then only after the member executes a suitable consent form. Disqualifying medical conditions will not be referred to medical boards in cases processed under this Article, but they will be noted on Report of Medical Examination, Standard Form 88.
- (2) Recover Armed Forces ID Card, all dependent ID cards, all items of exterior uniform clothing, and all other military property the individual possesses.
- (3) Prepare Certificate of Release or Discharge from Active Duty, DD Form 214. The following special requirements apply:
  - (a) Block 9A: Enter "Void Enlistment".
  - (b) Block 9C: Enter "Article 1.B.21.b., Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series)" as authority.
  - (c) Block 9E: Enter "Note-Void Enlistment".
  - (d) Block 9F: Enter "None".
  - (e) Blocks 10, 12, 13, 15, 16, 17, 19, and 20: Enter "N/A".
  - (f) Block 18A: Enter "00 00 00".
  - (g) Block 27: Enter, "This enlistment is void in accordance with [enter the appropriate reason under Article 1.B.21.b. of this Manual. This release does not constitute a discharge and a discharge certificate has not been issued. Individual will not be enlisted at a later date unless Commanding Officer (CGRC) approves first." Ensure the individual fully understands this action.

**1.B.21.g. Transportation**

Members released because of a void enlistment are entitled to transportation to their home of record or the place where they entered military service, in accordance with the Joint Federal Travel Regulations, Vol. 1, U7375.

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## **1.B.22. Administrative Discharge Board and Final Action of Discharge Authority**

### **1.B.22.a. Definition**

An administrative discharge board is a body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. In all cases, the board identifies any bases for discharge, recommends either retention in the Service or discharge, and recommends the type of discharge to be issued in the event the final action of the discharge authority is to direct separation of the member.

### **1.B.22.b. Composition**

Administrative discharge boards shall be composed and conducted in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

### **1.B.22.c. Double Jeopardy**

The Service will not subject any member to administrative discharge action based on conduct a previous administrative discharge board considered if the evidence before the subsequent board would be substantially the same as that before the previous board. The prohibition does not apply if:

- (1) A new board is convened under Article 1.B.22.e.(7) of this Manual or the record is returned to the existing board for further consideration under Article 1.B.22.d. of this Manual;
- (2) The previous board's findings favorable to the respondent are determined to have been obtained by fraud or collusion; or
- (3) The board process was terminated by any convening authority, except Commander (CG PSC), in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), resulting in final action on the board's recommendations not being taken by Commander (CG PSC).

**1.B.22.d. Discharge Authority**

Except as appropriate articles in this Manual otherwise specify, the Coast Guard Personnel Service Center is the discharge authority in all cases of administrative separations. Send the administrative discharge board report through the chain of command for review and endorsement in accordance with procedures promulgated by Commander (CG PSC). When Commander (CG PSC) receives the record of administrative discharge proceedings, he or she will review the board record and approve or disapprove the board's findings of fact, opinions, and recommendations in whole or in part. Commander (CG PSC) may disapprove findings and opinions if they were made based on incomplete evidence, contrary to the evidence the board considered or to law or regulation, a misunderstanding or misapplication of written policy, or otherwise clearly in error. If Commander (CG PSC) disapproves the findings of fact, opinions, or recommendations; he or she may:

- (1) Amend, expand, or modify findings of fact and opinions or take final action other than that recommended without returning the record, if evidence of record supports that action and the final action states the specific reasons; or
- (2) Return the record to the board for further consideration with a statement of the specific reasons to disapprove the findings of fact, opinions, or recommendations.

**1.B.22.e. Options of Discharge Authority**

Commander (CG PSC) may then take one of these final actions:

- (1) Approve the board's findings of fact, opinions, and recommendations and direct their execution.
- (2) Approve the board's recommendation for discharge, but change its type either to one more favorable than recommended if the circumstances warrant it or to one less favorable than recommended based on a determination the type of discharge recommended does not fall within the guidelines of Article 1.B.2. of this Manual.
- (3) Approve the board's recommendation for discharge but change the basis for discharge when the record indicates such action would be appropriate, except Commander (CG PSC) will not designate misconduct if the board has recommended discharge for unsuitability. However, Commander (CG PSC) may designate misconduct if the board designated unsuitability in violation of Articles 1.B.17.b.(3)(b) and (c) of this Manual.
- (4) Approve a discharge, but suspend its execution for a specified probationary period. (See Article 1.B.24. of this Manual.)
- (5) Disapprove the recommendation for discharge and retain the member in the Service.
- (6) Disapprove the recommendation for retention and direct either an honorable discharge or a general (under honorable conditions) discharge as warranted.

- (7) Disapprove the findings, opinions, and recommendations and refer the case to a new board based on a finding of legal prejudice to the substantial rights of the respondent. If the case is referred to a new board:
- (a) No member of the new board shall have served on a previous board which considered the same matter; and
  - (b) The record of the earlier board's proceedings, minus the findings, opinions, recommendations, and unduly prejudicial matter may be furnished to the succeeding board.

#### **1.B.22.f. Limits to Board Findings**

Administrative discharge boards may not enter findings contrary to matters previously adjudicated in civil or court-martial convictions even if the appellate process is not complete. For the purposes of an administrative discharge proceeding instituted on the basis of the same facts, military and civil convictions conclusively show the facts underlying the conviction. Administrative discharge proceedings will not be used to collaterally attack a civil or military court conviction, although this does not preclude the respondent from presenting mitigating, extenuating, or explanatory matters. If executing the discharge without waiting for final action on the appeal of the conviction, the member may be discharged with the appropriate type of discharge as Commander (CG PSC) directs.

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#### **1.B.23. Procedure for Discharge Under Other than Honorable Conditions**

##### **1.B.23.a. Right to Counsel**

Both the Government and respondent are entitled to legal representation before administrative discharge boards convened and constituted under Article 1.B.22. of this Manual. The respondent is entitled to the appointment of military counsel qualified under Article 27 (b), UCMJ or may obtain civilian counsel at his or her own expense. The cognizant Staff Judge Advocate will provide the commanding officer legal counsel.

- (1) The Service will not discharge any member under other than honorable conditions without first affording him or her the right to present the case to an administrative discharge board with the advice and assistance of counsel and unless approved board findings and an approved recommendation for discharge under other than honorable conditions support such discharge. However, if appropriate, the Service may issue such discharge without board action if the member is beyond military control for prolonged unauthorized absence, requests discharge for the good of the Service, or waives the right to board action in writing.

- (2) The discharge authority may direct issuing the type of discharge recommended by an administrative discharge board or a more favorable discharge but not a less favorable discharge than that recommended.
- (3) Even if an administrative discharge board recommends retention, the discharge authority may direct separation if the circumstances of a particular case warrant. In this event, the separation must be effected as either an honorable discharge or a general (under honorable conditions) discharge.
- (4) The Service will not administratively discharge any member with a discharge under other than honorable conditions if the grounds for that discharge are based wholly or partly on acts or omissions for which a court-martial resulting in acquittal or having the same effect previously tried the member, except if such acquittal or equivalent disposition was based on a legal technicality not according to the merits.

**1.B.23.b. Discharge Procedure**

Use the procedures described in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), for members being considered for a discharge under other than honorable conditions.

- (1) The member may waive his or her right to an administrative discharge board conditionally or unconditionally in writing; however, no member will be permitted to do so until legal counsel has fully advised him or her on this matter.
- (2) If a member waives his or her rights unconditionally, Commander (CG PSC-EPM-1) may disapprove the waiver and refer the case to an administrative discharge board, direct retention on active duty, or direct discharge for the appropriate basis. If directing discharge, Commander (CG PSC-EPM-1) will specify the type of discharge.
- (3) If a member submits a conditional waiver request, on approving it Commander (CG PSC-EPM-1) shall direct separation, specifying either an honorable or general (under honorable conditions) discharge. If disapproving a conditional waiver, Commander (CG PSC-EPM-1) will return the case for further processing under this Article.
- (4) Except for Reservists, who are processed in accordance with reference (i), Reserve Policy Manual, COMDTINST M1001.28 (series), a member beyond military control for unauthorized absence of more than one year may be issued a discharge under other than honorable conditions in absentia. Notice of the imminent discharge action and its effective date will be sent by registered mail to the member's or next of kin's record address, as appropriate.

- (5) A member unable to appear in person before an administrative discharge board due to confinement by civil authorities will be notified (by registered mail or in person) of the proposed discharge action, the type of discharge that may be issued, and the fact that action has been suspended to give the member the opportunity to exercise the right to:
  - (a) Request appointment of a military counsel as a representative to present the case before an administrative discharge board in the member's absence.
  - (b) Submit statements on his or her own behalf.
  - (c) Waive these rights, either in writing or by declining to reply to the letter of notification within 15 days of the date he or she received the notification.

**1.B.23.c. Commanding Officer's Brief**

After following the procedures in Article 1.B.23.b. of this Manual and if the member waives the right to refer the case to an administrative discharge board, the commanding officer will prepare a brief containing this information to send to Commander (CG PSC-EPM-1):

- (1) The commanding officer's detailed comments and recommendation.
- (2) Summary of Military Offenses. List in chronological order all disciplinary action during the current enlistment. Include PDR entry locations, date of non-judicial punishment or court-martial by type, description of offenses, non-judicial punishment or sentence as approved, and approval date.
- (3) Unclean Habits, if any. Substantiate all unclean habits including repeated venereal disease infections during the current enlistment. When reporting venereal diseases, indicate the date of each admission and nature of the infection.
- (4) Civil Convictions, if any, on the basis of information contained in the PDR or otherwise readily available. List date and court in which convicted, offense, and sentence awarded.
- (5) If recommending an honorable or general (under honorable conditions) discharge, the commanding officer shall recommend whether the individual should be required to surrender his or her uniform per Article 1.B.36.e. of this Manual.
- (6) Attach the following enclosures to the brief:
  - (a) The member's signed statement on own behalf, if submitted.
  - (b) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.

- (c) The member's signed waiver of rights outlined in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), if submitted.
- (d) Other pertinent documents such as psychiatric or medical evaluations (especially in aberrant sexual behavior cases), statements of any witnesses, police reports, etc.

**1.B.23.d. Convening an Administrative Discharge Board**

If the member retains the right to have an administrative discharge board hear the case, the commanding officer convenes an administrative discharge board under Article 1.B.22. of this Manual and Reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series), and in accordance with the requirements of Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). Commanding officers are hereby authorized to convene an administrative discharge board as defined in Article 1.B.22.a. of this Manual on enlisted Reserve members on active duty. The commanding officer furnishes the administrative discharge board president with the information listed in Articles 1.B.23.c.(2), 1.B.23.c.(3), and 1.B.23.c.(4) of this Manual, other pertinent documents specified in Article 1.B.23.c.(6) of this Manual, and the documentation required by Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). In submitting the case to the board the commanding officer refrains from commenting on those facts or the respondent, presenting any argument to the board based on those facts, and recommending separation or type of discharge.

**1.B.23.e. Board Action**

An administrative discharge board shall recommend a specific type of discharge to be issued, if the respondent is discharged – i.e., honorable, general (under honorable conditions), or under other than honorable conditions – based on the individual's conduct and performance in his or her current enlistment in accordance with the guidance in Article 1.B.2. of this Manual.

**1.B.23.f. Commandant's Final Action**

Commander (CG PSC)'s final action may differ from the command recommendation under Article 1.B.23.c. of this Manual or the administrative discharge board's recommendation under Article 1.B.23.d. of this Manual.

**1.B.23.g. Waiver or Forfeiture of Administrative Separation Board**

Waivers or Forfeiture of Administrative Separation Board must be documented as outlined in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

## **1.B.24. Suspending Execution of Approved Discharge on Probation**

### **1.B.24.a. Policy**

Before a member's enlistment or period of obligated service expires, Commander (CG PSC) may suspend executing an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During this period of suspension, the member will be afforded an opportunity to demonstrate proper behavior and efficient performance of assigned duties for an extended period under varying conditions.

- (1) When the member satisfactorily completes the probationary period, the approved discharge will be canceled automatically.
- (2) The member's further misbehavior, substandard performance of duty, or demonstrated inability to conform to the demands of a military environment during the probationary period may establish the basis for one of these actions:
  - (a) Punitive or new administrative action may be initiated despite the suspension of executing the approved discharge.
  - (b) Suspension of the approved discharge may be vacated, and the approved discharge executed, including discharging a member in absentia if he or she has been beyond military control for 15 or more days.

### **1.B.24.b. Commander, Coast Guard Personnel Service Center, Action**

In all cases in which probation is authorized, Commander (CG PSC) action will include instructions about the terms of the probation and specify the type of discharge to be executed if the member does not fulfill the terms of the probation, except for those cases described in Article 1.B.24.c. below. A discharge other than the type specified will not be given the member unless the case is reprocessed under Articles 1.B.15. or 1.B.17. of this Manual and Commander (CG PSC) directs another discharge.

### **1.B.24.c. Final Reviewing Authority**

In cases in which Commander (CG PSC) as Final Reviewing Authority has disapproved an administrative discharge board's recommendation for retention, but suspended executing the discharge on probation, Commander (CG PSC) reserves the authority to execute the discharge if the member does not fulfill the terms of the probation. In these cases, the commanding officer will send a fully documented recommendation to Commander (CG PSC).

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## **1.B.25. Procedures to Effect Transfer to Fulfill Service Obligation**

### **1.B.25.a. Definition**

Aliens have no military obligation under 10 U.S.C. §651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. A member fulfills his or her military obligation when he or she:

- (1) Is discharged for reasons other than to acquire another military status.
- (2) Has served as a member of the Armed Forces for eight years excluding all periods of lost time (10 U.S.C. §972).
- (3) Transfers to the Coast Guard Reserve to fulfill a service obligation as indicated by the member's PDR or the Commandant directs such transfer.
  - (a) If not eligible or recommended for reenlistment in the regular Coast Guard the member will be discharged from the regular Coast Guard instead of being transferred to the Reserve.
  - (b) If eligible or recommended for reenlistment in the regular Coast Guard, the member transfers to the Coast Guard Reserve. Except as otherwise provided in this subparagraph, aliens will not be transferred to the Coast Guard Reserve but will be discharged when they become eligible for discharge per Article 1.B.30. of this Manual. If otherwise eligible, naturalized citizens transfer to the Coast Guard Reserve.

### **1.B.25.b. Transfer Procedures**

Transfer procedures for a physical examination, travel, pay, etc., are the same as for processing a discharge. In addition, the following instructions apply:

- (1) The member transfers in the rate in which he or she serves when released from active duty.
  - (2) The procedures for releasing a member from active duty to the Coast Guard Reserve are contained in Chapter 3 of reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).
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## **1.B.26. Releasing Reserve and Retired Enlisted Members from Active Duty During War or National Emergency**

During war or national emergency, enlisted Reserve and retired members will be released from active duty only under instructions issued by the Commandant.

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**1.B.27. Effective Time of Separation****1.B.27.a. Effective Time of Discharge**

Subject to any law providing otherwise, an active duty enlisted member's discharge takes effect when the discharge certificate is delivered. Commander (CG PSC) shall specify the effective date of discharge for all administrative discharge, normally 20 working days from approval date. Members on leave on the effective separation date are considered to be on active duty until 2400 hours of the effective separation date, regardless of when the separation documents arrive in the mail. The effective separation date is a leave day and is charged as annual leave. If a member is discharged while absent without authority or in civil confinement, the discharge certificate is delivered when proper authority signs it. If a discharge is effected so the member can immediately enter the same or any other Armed Forces component in the same or any other status, for administrative purposes the discharge is dated as of the date preceding such entry or re-entry. If a member is assigned an escort to the home of record, the discharge certificate will not be delivered until actual arrival at the home of record and the next of kin, other close relative, or court-appointed guardian assumes custody. (See Article 1.B.29.a. of this Manual.)

**1.B.27.b. Effective Time of Release**

Subject to any law providing otherwise, the release to inactive duty of a regular Coast Guard member transferred to the Coast Guard Reserve and concurrently released to inactive duty takes effect when the separation document is delivered. Members on leave on the effective separation date are considered on active duty until 2400 hours of the effective separation date regardless of when the separation documents arrive in the mail. The effective separation date is considered a day of leave.

**1.B.27.c. Reservist's Effective Time of Release**

Subject to any law providing otherwise, the release to inactive duty of a Reservist who was called to active duty takes effect either at the actual time he or she arrives home or the authorized travel time expires, whichever is earlier.

**1.B.27.d. Injury While Traveling**

If a discharged member is seriously injured while returning home and taken to a service hospital, he or she may be eligible for hospitalization and other benefits from the Veterans' Administration; the member should be advised to file an appropriate claim with that agency.

**1.B.28. Transfer for Discharge Under Other than Honorable Conditions****1.B.28.a. General**

Members discharged under other than honorable conditions shall be transferred under

these instructions, except for members under 18 years of age, who transfer under Article 1.B.29.a. of this Manual.

**1.B.28.b. Members Serving Abroad**

The Service will not discharge any member under other than honorable conditions in a foreign country except for citizens of the Republic of the Philippines. (See Article 1.B.30. of this Manual.)

**1.B.28.c. Informing District Commander**

When transferring members for a discharge under other than honorable conditions, bad conduct, or dishonorable discharge, send a letter, with copy to Commander (CG PSC-EPM) explaining the circumstances of the transfer to the district commander to which transferred for discharge. Transfer is to be effected without guard, unless the responsible officer deems it necessary. In no circumstances, however, may these members carry their own records. In all instances, the member should be advised of the fact that discharge authorization does not preclude further disciplinary action and any infraction of regulations while en route to a district office will result in commensurate action and delay of discharge.

**1.B.28.d. Transportation**

Under Chapter 7, Part P, Joint Federal Travel Regulations, any enlisted member separated with a discharge under other than honorable conditions, bad conduct, or a dishonorable discharge is entitled to transportation in kind and meal tickets from the place of discharge to his or her home of record unless the member is confined pursuant to sentence of a civil court on the discharge date. Instead of the home of record, the member may be furnished transportation in kind and meal tickets from the place of discharge to a place other than the home of record if:

- (1) The member so requests, and
  - (2) In the district commander's or commanding officer's judgment, furnishing such transportation in kind and meal tickets would be in the best interest of the member concerned, and
  - (3) The cost to the Government of such transportation and meals does not exceed that of transportation to the member's home of record.
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**1.B.29. Separation Under Honorable Conditions**

**1.B.29.a. Separation from Duty Station**

A member who is separated under honorable conditions is separated from his or her duty station with these exceptions:

- (1) A member under 18 years of age deemed immature, irresponsible, and/or unable to perform travel without constituting a menace to himself or herself or the public shall be discharged from the current duty station and assigned an escort to accompany him or her to the custody of the next of kin, other close relative or court-appointed guardian. In such cases, the effective discharge date is that on which the escort delivers the discharge certificate to the person assuming custody. (See Articles 1.B.13.1. and 1.B.27. of this Manual.)
- (2) An alien separates under Article 1.B.30. of this Manual.
- (3) A member who at the time of separation serves in a foreign country transfers to the district nearest the point of debarkation within the continental United States for separation. If circumstances warrant, the district commander designates a major command to which the member may report for processing. (See Article 1.H.1.d. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).) In lieu of transferring to CONUS, the member may be separated in the area where serving if the cognizant district commander approves based on the member fulfilling these criteria; send all requests of a questionable nature to Commander (CG PSC-EPM-1). The member:
  - (a) Has no record of serious disciplinary infractions.
  - (b) Has no record of complaints of non-support or indebtedness.
  - (c) Is not attempting to evade judicial action.
  - (d) Does not exhibit a potential for discreditable conduct.
  - (e) Has obtained the necessary passport and visa, when required.
- (4) When a member serves OCONUS and it is deemed more economical or in the Government's best interests, taking into account the cost of transportation, the unavailability of medical facilities and other processing facilities, and any compensatory absence to his or her credit and any leave in excess of 60 days on the separation date, authority may be requested from Commander (CG PSC-EPM-1) to transfer the member to a district office or major command designated by the receiving district nearest the place where the member has elected to receive mileage allowance on separation. (See Article 1.H.1.d of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).) The member will not be retained beyond the expiration of enlistment date or period of obligated service solely for the purpose of taking leave. Proceed time is not authorized on transfer for separation. (See Article 1.G.6. of Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).)

**1.B.29.b. Pre-Separation Activities**

Before transferring members for separation, the unit from which transferred will accomplish the following actions:

- (1) Give physical examination. (See Article 1.B.6. of this Manual.)
- (2) Commanding officers shall ensure two entries are made in the member's Administrative Remarks, Form CG-3307, entry in the PDR stating whether the commanding officer recommends reenlistment and the member's eligibility for reenlistment if he or she has fewer than six months' obligated service at time of transfer. If a member is not recommended for reenlistment though average marks for Proficiency, Leadership and Conduct through 30 June 1983 or the minimum factor scores for an honorable discharge shown on the chart in Article 1.B.2.f. of this Manual for marks assigned after 30 June 1983 meet the requirements for honorable discharge, enter a full explanation. (See Article 1.B.4.d. of this Manual.)
- (3) When a member recommended for reenlistment elects transfer for separation under Article 1.B.29.a. in lieu of reenlisting at his or her present station, make an entry in the member's PDR on an Administrative Remarks, Form CG-3307, entry as follows: (See Article 1.B.4. of this Manual.)

“I hereby elect to return to the nearest Coast Guard district within the United States continental limits for separation in lieu of reenlisting at my unit. I understand I then cannot reenlist unless Commander (CG PSC-EPM-1) specifically authorizes me to do so and if so, Commander (CG PSC-EPM-1) also will specify the rate authorized, which may be lower than my present rate, and the district to which I will be assigned (if applicable). I further understand I cannot expect to reenlist in a rate higher than pay grade E-4.”

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

- (4) Note the place from which the member elects mileage allowance and document it in accordance with reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).
- (5) Check the PDR for correctness and completeness. (See Article 1.B.1.i. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series), Articles 1.B.32.a. and 1.B.32.c. of this Manual, and reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).)
- (6) Advise the member of all rights and benefits. (See Article 1.B.36.f. of this Manual.)

- (7) Ensure the member understands when granted compensatory absence or leave en route, the unit will not retain him or her beyond the expiration of enlistment date or period of obligated service solely to take leave. (See Article 1.B.29.a.(4) of this Manual.)

### **1.B.29.c. Place of Separation**

The place of separation is the actual location of the unit to where the member is attached on the separation date and the separation papers are delivered to the member, not necessarily the place where the separation papers are prepared. District commanders must arrange and ensure instructions are prepared describing the separation procedures for cutters or stations within their district without commanding officers or officers-in-charge whom the Commander (CG PSC-EPM) or district commanders have authorized to effect separations. The district office or some intermediate unit having a commanding officer may complete a discharge certificate or release from active duty orders, PDR, and related papers and mail them to the member's unit for delivery. The Service will not transfer any member for separation solely because his or her cutter or station is under the command of an officer-in-charge. (See Article 1.B.10. of this Manual.)

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### **1.B.30. Separating Aliens**

#### **1.B.30.a. Notifications**

If members who are not United States citizens are to separate within the United States or its possessions, notify the nearest district office of the Bureau of Citizenship and Immigration Services, Department of Justice, of the pending separation and its prospective date. Submit the notice in sufficient time to permit the immigration authorities to take any action they deem appropriate before the date when the member separates. Request them to acknowledge the notice and do not separate the member concerned until such acknowledgment is received. Put a copy of the notice and acknowledgment in the member's PDR.

#### **1.B.30.b. Philippine Citizens**

When enlisted members who are citizens of the Republic of the Philippines, who entered into their original enlistment prior to 18 September 2008, are about to become eligible to separate, they shall be transferred to PSSU Alameda, for separation regardless of the character of their discharge except for those citizens of the Republic of the Philippines who:

- (1) Will reenlist immediately after separation or voluntarily extend enlistment. Enter an Administrative Remarks, Form CG-3307, entry in the PDR; the member must sign it to acknowledge having been properly advised and counseled about losing entitlement to file for U.S. citizenship unless such reenlistment or extension actually occurs in the United States or its stated possessions (American Samoa, Swans Island, Guam, Puerto

Rico and the Virgin Islands). If reenlisting or extending in the U.S. or its stated possessions this entry is not required.

- (2) For valid reasons, such as a lawful admission to the United States for permanent residence, may remain in the United States. If the member is separated at the current unit instead of being transferred to the PSSU Alameda, the basis for such action will be fully documented in the member’s PDR on an Administrative Remarks, Form CG-3307, entry and supported by the original(s) or certified copies of all correspondence about to the case.

Note: This policy does not apply to members who are citizens of the Republic of the Philippines who enlisted on or after 18 September 2008.

**1.B.30.c. Member’s Acknowledgment**

Before transfer to PSSU Alameda for separation, a member with dependents signs a statement on an Administrative Remarks, Form CG-3307, entry to be filed in his or her PDR certifying the provisions of Article 1.B.4.c. of this Manual have been explained and the member understands them.

**1.B.31. Determining Final Average Marks**

**1.B.31.a. General**

Upon separation from the Coast Guard (discharge, retirement, transfer to the Reserve, or release of a Reservist to inactive duty), the member’s evaluation will be determined using the Enlisted Employee Review Summary according to the following instructions.

**1.B.31.b. Member Evaluated on Only One Form During Enlistment**

- (1) Consider all evaluations assigned in each factor in computing an average for that factor.
- (2) Add marks in each column on the Enlisted Employee Review Summary. Divide the sum by the number of marks to arrive at the average mark for each factor. Compute to one decimal place (do not round off) as illustrated in the example below.
- (3) Enter all final average marks on the Enlisted Employee Review Summary.

<b>EXAMPLE MARKS FROM THE EER SUMMARY</b>							
<b>DATE</b>	<b>RATE</b>	<b>MIL</b>	<b>TEAM</b>	<b>WORK</b>	<b>LDRSHP</b>	<b>REP CG</b>	<b>HUMAN</b>
7/82	SA	Completed Recruit Training					
10/82	SA	18	18	27		20	31
1/83	SA	21	17	29		20	33
4/83	SN	20	18	28		21	32

10/83	SN	22	18	30		22	33
2/84	SN	16	11	25		12	24
9/84	SN	20	17	28		21	31
3/85	SN	22	17	29		20	28
9/85	SN	21	17	28		22	29
3/86	SN	24	18	30		22	29
Total Factor Scores		184	151	254		180	270
Number of Marks		9	9	9		9	9
Final Factor Avg. for Enlistment		20.4	16.7	28.2		20.0	30.0

### 1.B.31.c. Member Evaluated on More than One Form During Enlistment

Obtain a final characteristic average for members evaluated on more than one form (non-rated, petty officer, or chief petty officer) during his or her enlistment. Exercise caution in determining the correct number of competencies to use in dividing each factor as each separate form contains a different number of characteristics.

- (1) Consider all evaluations assigned in each factor in computing its average.
- (2) Add marks in each column on the Enlisted Employee Review Summary.
- (3) Divide the sum by the cumulative number of competencies for each factor to arrive at the average factor mark for each factor. Compute to one decimal place (do not round off) as illustrated in the example below showing the number of competencies within each factor for each separate evaluation form.
- (4) Enter all final average marks on the Enlisted Employee Review Summary.

	MIL	TEAM	WORK	LDRSHP	REP CG	HUMAN	TOTAL
Non-Rated	5	4	7		5	8	29
Petty Officer	4	4	11	7	5	7	38
CPO	4	3	11	7	5	7	37

- (5) The following example shows how to determine the correct number of competencies to obtain a member's average factor marks over his or her enlistment. Here, the individual completed a four-year enlistment and was advanced from non-rated to PO3 during the enlistment. The numbers in parenthesis show the number of competencies used in the individual's evaluation for the period and is taken from the chart above. The numbers are printed for example purposes only: DO NOT ENTER THEM ON THE ACTUAL ENLISTED EMPLOYEE REVIEW SUMMARY.

<b>EXAMPLE MARKS FROM EER SUMMARY</b>							
<b>DATE</b>	<b>RATE</b>	<b>MIL</b>	<b>TEAM</b>	<b>WORK</b>	<b>LDRSHP</b>	<b>REP CG</b>	<b>HUMAN</b>
7/82	SA	Completed Recruit Training					
10/82	SA	18(5)	18(4)	27(7)		20(5)	31(8)
1/83	SA	21(5)	17(4)	29(7)		20(5)	33(8)
4/83	SN	20(5)	18(4)	28(7)		21(5)	32(8)
10/83	SN	22(5)	18(4)	30(7)		22(5)	33(8)
2/84	SN	21(5)	SUT	SUT		SUT	SUT
9/84	PO3	17(4)	15(4)	45(11)	26(7)	22(5)	28(7)
3/85	PO3	19(4)	16(4)	47(11)	28(7)	21(5)	28(7)
9/85	PO3	18(4)	17(4)	46(11)	30(7)	22(5)	30(7)
3/86	PO3	18(4)	18(4)	46(11)	29(7)	22(5)	30(7)
Total Factor Scores		174	137	398	113	170	245
Number of Comp.'s		41	32	72	28	40	60
Final Factor. Avg. for Enlistment. (Divide total factor score(s) by total no. of comp.'s for each factor.)		4.2	4.2	4.1	4.0	4.2	4.0

## **1.B.32. Personnel Data Record Entries at Departure**

### **1.B.32.a. Correcting Entries**

Before discharging, retiring, transferring to the Reserve, or releasing an enlisted member from active duty, check the member's Personnel Data Record (PDR) for correctness and completeness. Reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series) contains general instructions about PDR entries. The following guidelines govern correcting incomplete or incorrect PDR entries.

- (1) Correct incorrect or incomplete entries on the basis of whatever authentic information is available. Consider correspondence, official reports, or forms as authentic information.
- (2) If information necessary to correct a PDR is not available, do not withhold the discharge, retirement, transfer to the Reserve, or release from active duty, but effect it on the basis of the PDR entries after making substantiated corrections.
- (3) Whenever an entry or correction is made in a PDR under authority of this paragraph, the commanding officer or other officer authorized to sign PDR entries signs the

entry or correction.

- (4) PDR entries or corrections, if arbitrary, unsubstantiated by authentic information, or unauthorized as such, may result in issuing a type of discharge to which the individual is not entitled.

### **1.B.32.b. Administrative Remarks**

Make the following entries on an Administrative Remarks, Form CG-3307, entry and file in the member's PDR:

- (1) Compliance with reference (r), Continued Health Care Benefit Program, COMDTINST 1760.7 (series), where applicable.
- (2) Show the applicable Article and the specific authorization for the member's discharge, retirement, transfer to the Reserve, or release from active duty.
- (3) Honorable discharge button delivered, final average of Proficiency, Leadership, and Conduct marks before 1 July 1983, final average scores after 30 June 1983, whether recommended for reenlistment, reenlistment code, effective time of discharge, if for other than expiration of enlistment.
- (4) Signed copy completed in accordance with Article 1.B.4.d. of this Manual when applicable, together with this information:
  - (a) Completed (no.) years, (no.) months, and (no.) days of active military service. Deductible time: (no.) years, (no.) months, and (no.) days or (No deductible time).
  - (b) Transferred to the Coast Guard Reserve or (released to inactive duty and retained in the Coast Guard Reserve) to complete a total of (no.) years of service from (date of enlistment) and (no.) days deductible time. (If none, so indicate.) If deductible time is involved, show the dates of such absence.

### **1.B.32.c. Personnel Data Record Disposal**

On separation, dispose of the PDR as Information and Life Cycle Management Manual, COMDTINST M5212.12 (series), and SF 115, Request for Records Disposition Authority, Department of Defense, NI-330-04-1, prescribes.

### **1.B.32.d. Discharge and Reenlistment**

Follow the provisions of Article 1.A.12. of reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series) on maintaining the working PDR when the member is discharged and reenlists within 24 hours.

**1.B.32.e. Additional Documents**

Send these documents to Commander (CG PSC-PSD-mr) in addition to those listed in reference (o), Personnel, Pay, and Procedures Manual, PSCINST M1000.2 (series), when applicable:

- (1) Signed copy of member's statement if discharged for unsuitability or misconduct. (See Articles 1.B.15. and 1.B.17. of this Manual.)
- (2) Signed copy of waiver of Physical Evaluation Board. (See Article 1.B.14. of this Manual.)
- (3) Copy of letter to next of kin when discharging minors. (See Article 1.B.13. of this Manual.)
- (4) Signed copy of request for diagnosis or underlying cause of discharge, if made, and copy of reply thereto. (See Article 1.B.14. of this Manual.)

**1.B.32.f. Health Record Disposal**

Refer to Military Personnel Data Records (PDR) System, COMDTINST M1080.10 (series) for instructions on the proper disposal of Coast Guard Medical Records.

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**1.B.33. Certificate of Release or Discharge from Active Duty, DD-214**

See reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series), for instructions on preparing and distributing the Certificate of Release or Discharge from Active Duty, Form DD-214.

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**1.B.34. Discharge Certificates**

**1.B.34.a. Qualified Recipients**

In the case of an honorable discharge, an Honorable Discharge Certificate, Form DD-256 CG, will be awarded and a notation will be made on the appropriate copies of the Certificate of Release or Discharge from Active Duty, Form DD-214. Members released from active duty who transfer to the Reserve will be issued a discharge certificate when they fulfill their military obligation provided the "honorable" characterization is appropriate.

**1.B.34.b. Certificate's Reverse Side**

The reverse side of all discharge certificates shall be left blank.

**1.B.34.c. Replacing Certificates**

On satisfactory proof a discharge certificate was lost or destroyed without the fault of the individual to whom it was issued, Commander (CG PSC-PSD-mr) will issue a certificate in lieu of discharge. Apply for a certificate in lieu of discharge to replace a lost or destroyed discharge certificate to Commander (CG PSC-PSD-mr). Only Commander (CG PSC) can issue a duplicate or copy of a discharge certificate.

**1.B.34.d. Delegating Responsibility**

The commanding officer may delegate a commissioned officer, chief warrant officer, chief petty officer, or first class petty officer as custodian responsible for discharge certificates. Those designated will ensure safekeeping, accountability, and proper issue of all discharge certificates.

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**1.B.35. Honorable Discharge Button****1.B.35.a. Qualified Wearers**

The Honorable Discharge Button shall be issued to a member who has served more than 30 days of active duty or active duty for training and is discharged from an original Coast Guard or Coast Guard Reserve enlistment. At the member's request, a subsequent discharge button will be issued to replace a lost one. Only those individuals entitled to it may wear the discharge button on civilian clothing.

**1.B.35.b. Administrative Remarks**

On issuing the Honorable Discharge Button, make an appropriate entry in the member's PDR on an Administrative Remarks, Form CG-3307, entry. For subsequent discharge, make an appropriate entry indicating that the button was issued previously. Make an entry when issuing a button to replace a lost one.

**1.B.35.c. Delegating Responsibility**

The commanding officer may delegate a commissioned officer, chief warrant or chief petty officer as custodian to ensure safe-keeping of discharge buttons.

**1.B.35.d. Obtaining Supplies**

District commanders and commanding officers of Headquarters units procure discharge buttons from the Baltimore Supply Center. Other commanding officers obtain their supplies from their respective district commander.

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**1.B.36. General Information on Separation Without Immediate Re-enlistment**

**1.B.36.a. Policy**

Under 10 U.S.C. §1168(a), an Armed Force may not discharge or release any member from active duty until the certificate of discharge or release from active duty orders and final pay (or a substantial portion of it) are ready for delivery to the member or his or her next of kin or legal representative.

**1.B.36.b. Monitoring**

The unit personnel officer shall monitor pending separations to ensure no delays occur in effecting the separation on the normal enlistment expiration and issuing the Certificate of Release or Discharge from Active Duty, Form DD-214. (See reference (o), Personnel, Pay and Procedures Manual, PSCINST M1000.2 (series).)

**1.B.36.c. Leave in Connection with Separation**

At his or her discretion, a commanding officer may grant delay chargeable to annual leave in connection with any type of separation. If the member is separated early under Article 1.B.8. of this Manual, it is not in the Coast Guard's best interest to authorize a "constructive" separation date more than three months before the normal enlistment expiration date by combining leave with early release authority for the member's convenience. Therefore, a "constructive" release longer than three months is not authorized. Complete all documents to the fullest extent possible before the member departs from the last permanent duty station or the processing point, as applicable. On the effective separation date, make the final entries and distributes copies of documents under current instructions. Endorses release from active duty orders to show the amount of leave granted. If no release from active duty orders is involved, prepares leave papers. Members on leave on the effective separation date are considered as being on active duty until 2400 hours of that date. The effective separation date will be charged as a day of leave.

**1.B.36.d. Reenlistment Information**

- (1) Since authorization to enlist in the Coast Guard (Active and Reserve) is not guaranteed after a break in service, the Service encourages members recommended for reenlistment to reenlist on active duty or enlist in the Coast Guard Reserve immediately. Commanding officers should inform members separating from active duty who do not have a remaining obligation under 10 U.S.C. §651 that they will have to apply to the nearest recruiting office if they decide in the future to enlist in the Coast Guard (Active or Reserve). The recruiting office will refer individual cases to Commanding Officer, Coast Guard Recruiting Command, if necessary.
- (2) Give every member discharged and not recommended for reenlistment the following information:
  - (a) Fingerprints undoubtedly will detect fraudulent enlistment in any Armed Forces

branch; and

- (b) If a former member enlists by concealing any previous service and discharge, that individual will be subject to disciplinary action.

**1.B.36.e. Uniforms and Civilian Clothing**

- (1) Members entitled to retain their uniforms after discharge may wear them from where discharged to their home within three months after discharge, a period encompassing the time between the discharge date and the date he or she arrives at home. A former member may not wear the uniform after arriving home, even though the three-month period has not expired.
- (2) A member shall be required to surrender all outer garments and distinctive parts of the uniform on separating from active duty as stated in the individual articles of this chapter or under any of the following conditions:
  - (a) The member is issued a dishonorable, bad conduct or other than honorable discharge.
  - (b) The member's commanding officer has reason to believe the individual will bring discredit on the uniform.
  - (c) The member's commanding officer believes his or her service record or the circumstances surrounding the discharge warrant surrendering the uniform.
- (3) Surrendered garments shall be disposed of through Lucky Bag sales.
- (4) If a member surrenders his or her uniform and owns no personal civilian clothing, an outfit of civilian clothing shall be furnished. The cost of such clothing shall not exceed the amount prescribed in 14 U.S.C. § 482. Members transferred to effect their discharge take their uniform with them where ordered.

**1.B.36.f. Veterans Rights and Benefits**

- (1) Inform separating members of their rights and benefits as a veteran before they depart from their last duty station.
- (2) The more important benefits accruing to veterans under Federal legislation administered by Government agencies other than the Coast Guard are: education and training; loan guarantees; vocational rehabilitation; re-employment rights; veteran's preference in civil service; compensation and pensions; hospitalization and domiciliary care; National Service Life Insurance; Servicemen's Group Life Insurance; Veterans Group Life Insurance Unemployment Compensation; and Social Security benefits for deceased members' dependents.

- (3) Advise all separating members of the contents and purpose of the pamphlet Once a Veteran, COMDTPUB 1900.7, and be sure to give a copy to each separating member.
- (4) Inform all separating members about the "Ex-Serviceman's Unemployment Compensation Act of 1958" (P.L. 85-848) which authorizes unemployment insurance protection to ex-service members who began their active service in the Armed Forces after 31 January 1955. The Department of Labor has prepared an informative pamphlet, available through the normal source of supply, about this Act's provisions.

**1.B.36.g. Medical Benefits**

When processing a member for separation, including retirement, inform separating members of reference (r), Continued Health Care Benefit Program, COMDTINST 1760.7(series).

**1.B.36.h. Discharge Review Board and Board to Correct Military Records**

During the separation processing of any member being discharged, commanding officers will explain the purpose and scope of the Discharge Review Board and the Board for Correction of Military Records, established pursuant to 10 U.S.C. §1552 and §1553. Regulations for the Board for Correction of Military Records are found in 33 CFR 52.01 to 52.45 and the Board of Review of Discharges and Dismissals, contained in 33 CFR 51.01 to 51.10, provide:

- (1) The Board of Review of Discharges and Dismissals reviews a former Coast Guard member's type and nature of discharge certificate or other documentary evidence of discharge, except discharge as the sentence of a Coast Guard court-martial. The Board conducts this review at the former member's request or on his or her behalf, if deceased, by his or her surviving spouse, next of kin or legal representative concerned, or if incompetent, by his or her guardian.
- (2) The review determines whether under reasonable standards of the Coast Guard and naval law and discipline, the type and nature of the discharge should be changed, corrected, or modified, and if so, decides what change, correction or modification should be made.
- (3) The Board has no authority to revoke any discharge, reinstate any person in the Coast Guard after discharge, or recall any person to active duty.
- (4) Requests for review of a discharge must be submitted within 15 years of discharge on Application for Review of Discharge, DD-293. Request forms and information from the President, Boards of Review of Discharges and Dismissals, Commandant (CG-122), 2100 2nd Street, S.W. Stop 7801, Washington, DC 20593-7801.
- (5) Petitions to the Board for Correction of Military Records may pertain to any matter in the member's official record the member believes is incorrect or unfair and desires to

have changed. Normally, such requests must be submitted within three years of separation.

- (6) Using the format below, make the following entry in the member's PDR on Administrative Remarks, Form CG-3307, entry and have the member sign it.

“I have read and been counseled on the contents of Article 1.B.36., Military Separations, COMDTINST M1000.4 (series) about my rights on separation from the Coast Guard. I understand my rights as described there and have had all my questions answered.”

### **1.B.36.i. Selective Service Registration**

On 2 July 1980, Proclamation 4771 was signed into law requiring all males born during 1960 or later to register with the Selective Service System. Registration for those persons born during 1960 began 21 July 1980. For those born in 1961 registration began 28 July 1980 and for those born in 1962 registration began 5 January 1981. Males, including aliens and non-citizens, born on or after 1 January 1963 must register on the day they attain the 18th anniversary of their birth or on any day within 30 days before or after that date. The proclamation affects Coast Guard personnel as follows:

- (1) Coast Guard members on active duty when their age group is required to register are exempt from registration so long as they remain on active duty. Once separated from active duty or transferred to the Coast Guard Reserve for any reason, they must register within 30 days of separation.
- (2) Men in CONUS may register at any U. S. Postal Service Office. Members assigned duty in a foreign country can register at any U. S. Department of State Embassy or Consulate Office.
- (3) Commanding officers shall advise all separating males in the affected age groups of their obligation to register with the Selective Service System and then put this statement in Block 18 of the Certificate of Release or Discharge from Active Duty, DD-214: “ADVISED OF REQUIREMENTS FOR SELECTIVE SERVICE REGISTRATION.”

### **1.B.36.j. Transporting Household Goods**

Incident to separation or release from active duty, members (not including retirees) are allowed Government-funded transportation of household goods within six months of separation. Consult Paragraph U5360, Joint Federal Travel Regulations for more information.

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**1.B.37. Discharge Entitlements Summary**

<b>Directive</b>	<b>Mileage (1)</b>	<b>Transport in Kind (2)</b>	<b>Civilian Clothing Issue (3)</b>	<b>Discharge Gratuity (3)</b>	<b>Retain Uniform, Wear Home</b>	<b>Recoup Reenlistment Bonus (3)</b>
JFTR, U5125	X					
JFTR, Chap. 7, Part P		X				
Military Separations, Art. 1.B.36.			X		X	
CG Pay Manual, Para. 10.D.				X		
Military Bonus Program						X

(1) Applies to honorable and general discharges.

(2) Applies to under other than honorable conditions, bad conduct, and dishonorable discharges.

(3) Applies to all types.

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**1.B.38. Separation in Lieu of Orders (SILO)**

Members who elect or request to separate in lieu of executing PCS orders will be required to separate no later than 1 August.

**1.B.39. Second Chance Program**

**1.B.39.a. Purpose**

In an effort to retain good, solid first-term performers with potential, but who have made a youthful mistake that would otherwise result in their discharge, the Commandant has established a “Second Chance Program.”

**1.B.39.b. Applicability and Exceptions**

- (1) The Second Chance Program authorizes the first flag officer/SES in the chain-of-command of the first-term performer to waive all policy discharge authorities (except as noted in subparagraph (3) below) contained in Articles 1.B.9., 1.B.12., 1.B.15., and 1.B.17. of this Manual. This authority shall not be delegated.
- (2) Recruits and members enrolled in an officer accession program are not eligible for the Second Chance Program.
- (3) The Second Chance Program specifically excludes the following policies contained elsewhere in this Manual:
  - (a) Article 1.B.12. for obesity;
  - (b) Article 1.B.15. for alcohol abuse when processing for separation is required by Reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), due to alcohol incidents (however, see also subparagraph (4) below);
  - (c) Article 1.B.17. for drugs when a determination of a drug incident has been made in accordance with Reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series);
  - (d) Article 1.B.17. for civilian conviction of sexual misconduct.
  - (e) Article 1.B.17 for the procurement of a fraudulent enlistment, induction, or period of active service.
- (4) The first flag officer/SES may submit a recommendation to Commander (CG PSC-c) for a Second Chance waiver for the alcohol abuse exclusion in subparagraph (3)(b) above.

**1.B.39.c. Procedures**

The first flag officer/SES, with assistance from their units, shall define the internal processes for forwarding waiver requests to them. Discharge recommendations for reasons other than Articles 1.B.9., 1.B.12., 1.B.15., and 1.B.17. of this Manual shall continue to be forwarded by the member's unit to Commander (CG PSC).

- (1) If a waiver is not granted, the first flag officer/SES shall endorse and forward the discharge package to Commander (CG PSC-EPM).
- (2) If a waiver is granted, the discharge package is not forwarded to Commander (CG PSC-EPM). Rather, the waiver shall be documented in an Administrative Remarks, Form CG-3307, entry in the service record, and Commander (CG PSC-EPM) must be notified via message of the waiver.

**1.B.40. Career Preservation Provision for Victims of Sexual Assault**

This opportunity applies to members who made an unrestricted report as a victim of sexual assault. If action is initiated to involuntarily separate the member within five years of the report of sexual assault being made, and the member believes the discharge recommendation is unfairly related to the filing of the report, the member may request that Commander (CG PSC-c) review the circumstances of and grounds for the proposed involuntary separation. In these cases, the discharge recommendation and the member's request shall be forwarded through the chain of command, including review and endorsement by the first flag officer in the respondent's chain of command. The endorsement by the first flag officer, including to the report of an administrative separation board when applicable, may not be delegated. Commander (CG PSC-c) will take final action on the discharge recommendation.

**(Policy continues on page 1-139)**

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## **1.C. Retirement**

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### **1.C.1. General Information**

#### **1.C.1.a. Introduction**

This Article governs retirements from active duty for reasons other than physical disability. Chapter 2 of this Manual contains policies governing disability retirements.

#### **1.C.1.b. Effective Retirement Date**

Commander (CG PSC-EPM) or (CG PSC-OPM) issues orders containing the effective retirement date, the laws governing the retirement, and travel authorization. Under 5 U.S.C. §8301, all non-disability retirements occur on the first day of a calendar month with the member usually detaching on the last day of the preceding month. If the member detaches earlier, the time between detachment and the effective retirement date is charged as annual leave.

#### **1.C.1.c. Effective Date for Travel and Transportation Entitlements**

The effective date to determine entitlement for Travel and Transportation Allowances (authorized weight of household goods, eligibility for dependents' travel, etc.) is the last day of active duty. Refer to Exhibit 1.G.1. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series), and the Joint Federal Travel Regulations, Appendix A, for further clarification.

#### **1.C.1.d. Leave in Connection with Retirement**

- (1) At their discretion, leave-granting authorities may grant earned or advance leave accompanying retirement orders under Chapter 2 of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series); however, the member's effective retirement date will not be delayed for the specific purpose of allowing him or her to use earned leave. Relief for the retired member normally coincides with the scheduled retirement date, not the date the member departs on leave.
- (2) If authorities grant leave in connection with retirement, complete the member's records before he or she departs on leave, except for the final date entries, and endorse retirement orders to show the amount of leave granted. The retirement processing station subsequently completes all documents in the service member's official record on the effective retirement date and transmits the member's copies of these documents to him or her.

#### **1.C.1.e. Retirement Processing Point**

- (1) Voluntary Retirements in Other than a Foreign Country. If a member is stationed in

CONUS or at a non-restricted duty station in a state, commonwealth or United States possession outside CONUS when he or she is scheduled to retire, he or she normally is not transferred to a new permanent duty station before retirement, unless such transfer is in the Coast Guard's best interest. Since the processing station normally is the member's last permanent duty station, the Government incurs no additional expense in processing the retirement. For personal convenience under provisions of the Joint Federal Travel Regulations, Vol. 1, U5130, a member may request Commander (CG PSC-EPM) or (CG PSC-OPM) to authorize (rather than direct) retirement processing at a shore unit convenient to his or her designated home of selection, provided:

- (a) The member travels to the retirement processing station in leave status. (Proceed time is not authorized per Article 1.G.6.c. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).)
  - (b) The retirement orders designate the home of selection before departure.
  - (c) The member understands he or she will incur no additional expense on the Government's behalf and he or she acknowledges the following statement on retirement orders:

“This authorization is issued with the understanding you will not receive reimbursement for expenses in connection with it. If you do not desire to bear this expense, consider this authorization canceled.”
  - (d) If approved, the member detaches in time to report to the processing station between 12 and 15 working days before the effective retirement date and the member's orders shall be so endorsed.
  - (e) Commanding officers and SPOs shall ensure all retirement related documentation processing required in accordance with reference (o), Personnel Pay and Procedures Manual, PPCINST M1000.2 (series), is completed and signed prior to members departing their retirement processing point.
- (2) Voluntary Retirement of a Member Stationed in a Foreign Country. A member who elects to retire, would be stationed in a foreign country at effective retirement date, does not intend to designate the overseas area as home of selection, and does not desire to retire at the overseas duty station shall return to CONUS for retirement processing. The member will be ordered to report for temporary duty and processing to the area or district office, as appropriate, nearest to the debarkation port as determined by Joint Federal Travel Regulations; and then proceed to his or her home of selection. The permanent change of station is from the overseas duty station to the home of selection. The Joint Federal Travel Regulations prescribe the member's, dependents', and household effects' transportation allowances from the overseas duty station to the processing point and ultimately the member's home of selection.

- (3) Involuntary Retirement of a Member Stationed Outside CONUS. If a member normally would be stationed outside CONUS at involuntary retirement from active duty, does not intend to designate the overseas area as his or her home of selection, and does not desire to retire at the overseas duty station, he or she will be ordered on a permanent change of station to a CONUS area or district office, as appropriate, within either the Atlantic or Pacific Area, depending on where the member serves. He or she advises Commander (CG PSC-EPM) or (CG PSC-OPM) of the desired district for retirement processing approximately six months before the involuntary retirement date. Retirement allowances cover his or her retirement processing station to home of selection.

#### **1.C.1.f. Administrative Absence in Connection with Retirement**

- (1) Under the provisions of Article 2.A.10. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series), retiring members are eligible for an administrative absence not to exceed 20 days (if separated INCONUS), or 30 days (if separated OCONUS), to facilitate relocation. This administrative absence in conjunction with retirement is not an entitlement; however, it may be granted at the discretion of the member's command provided it does not adversely affect mission performance. This duty is intended for activities related to transition or relocation, e.g., job interviews, not to extend leave periods.
- (2) The following conditions and restrictions apply to permissive temporary duty in conjunction with retirement.
- (a) It may be authorized for consecutive days, including weekends and holidays.
  - (b) It may be taken in increments, not to exceed the totals dictated in Article 1.C.1.f.(1) of this Manual.
  - (c) Liberty or a period of combined leave and liberty is not authorized between consecutive periods of administrative absence in conjunction with retirement.
  - (d) It may be used in conjunction with leave enroute to home, with no intent to return to the last permanent duty station, including leave enroute to a retirement processing point as defined in Article 1.C.1.d. of this Manual.

Note: When administrative absence is used in conjunction with retirement processing point and terminal leave, the absence will be accounted for in this order: administrative absence, time at retirement processing point, and leave.

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#### **1.C.2. Service Credit to Qualify for Retirement**

The service below is creditable for retirement. Service creditable for retirement is not necessarily all service creditable for computing basic or retirement pay.

- (1) Commissioned, Chief Warrant, and Warrant Officers. Active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or in their Reserve components, including active duty for training.
  - (2) Enlisted Members. Active service in the Coast Guard, Army, Navy, Air Force, Marine Corps, and all active service in their various Reserve components, including active duty for training and active Federal service in the National Guard and Air National Guard.
  - (3) Other Creditable Service for Retirement. Under certain conditions, active civilian Government service is creditable for retirement for officers appointed constructors and personnel of the former Life Saving Service, Lighthouse Service, Bureau of Marine Inspection and Navigation, and Bureau of Customs who were commissioned, appointed, or enlisted in the Regular Coast Guard.
  - (4) Service time while attending the U.S. Coast Guard Academy is creditable only for enlisted members. Service time while attending the U.S. Coast Guard Academy may not be counted in computing, for any purpose, the length of service of an officer.
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### **1.C.3. Pre-Retirement Physical Examination**

#### **1.C.3.a. General**

A physical examination is required before a non-disability retirement. An active duty Uniformed Services medical and dental officer should perform both officers' and enlisted members' retirement physical, but contract physicians and dentists may do so. Members shall ensure they schedule physical examinations at least six months before their retirement date so defects found may be corrected before retirement. Physical examinations for retirement purposes are valid for 12 months. If the examination uncovers a physical or mental impairment that is identified in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), as unfitting, the member may be eligible for a physical disability retirement, subject to the policies set forth in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), paragraph 2.C. Not all physical or mental impairments qualify a member a member for a disability retirement. Nor do all members benefit from a disability retirement. For members who joined the Uniformed Services after 25 September 1975, the tax exemption of disability retired pay is limited. (See Article 1.C.13.b.(4) of this Manual.)

#### **1.C.3.b. Procedure if Physical Examination Finds Member Is Unfit for Duty**

- (1) If a physical examination pursuant to retirement discovers an impairment which is identified as unfitting in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), an initial medical board will be convened only if the provisions of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), paragraph 2.C, are satisfied. If a medical board is initiated, the member's commanding officer shall immediately notify Commander (CG PSC-EPM) or (CG

PSC-OPM), as appropriate, and (CG PSC-PSD-mr) who may hold the member's retirement orders in abeyance, if appropriate, pending resolution of the physical disability evaluation process.

- (2) A member's physical disability or unfitness for continued service does not preclude him or her from normal service retirement in lieu of physical disability processing, if so desired. As soon as possible after the examination, the member shall elect in writing whether he or she desires processing for physical disability retirement or compliance with normal service retirement orders. The member's command immediately notifies Commander (CG PSC-EPM) or (CG PSC-OPM), as appropriate, and Commander (CG PSC-PSD-mr) by message to ensure they can delay the original retirement request or orders if necessary. Previously issued retirement orders normally will not be canceled to process a member through the disability evaluation system; instead, they will be held in abeyance. If the member elects to comply with normal service retirement orders, he or she shall submit a signed statement to that effect in letter form to Commander (CG PSC-EPM) or (CG PSC-OPM).
  - (3) If the final action of the physical disability evaluation board is:
    - (a) Retirement for physical disability, Commander (CG PSC-EPM) or (CG PSC-OPM) issues orders for such retirement.
    - (b) No physical disability retirement, the member's original retirement orders remain in force or are amended to effect the service retirement normally within 60 days after the end of the month in which the board determined the member's final physical qualification.
  - (4) Members who meet all qualifications for a physical disability retirement but also qualify for retirement for other reasons may request in writing that Commander (CG PSC-EPM) or (CG PSC-OPM) take no action on the physical disability evaluation board's record of proceedings and allow them to retire for reasons other than physical disability.
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## **1.C.4. Retirement Counseling and Ceremony**

### **1.C.4.a. Pre-Retirement Seminars**

Retirement benefits have become more complicated in the past few years. Merely presenting prospective retirees with a packet of helpful pamphlets and manuals shortly before retirement will not answer their many questions about this transition. Well-planned pre-retirement seminars can help bridge this gap. At least annually, district commanders, commanders of logistics/service centers, and commanding officers of major Headquarters units must plan and host a one or two-day pre-retirement seminar. Headquarters units collocated with area or district offices should hold joint seminars to reduce expense and duplication of effort. Commanding officers should encourage active duty members with 18 or more years of service creditable towards retirement and their

spouses, career counselors, and other interested members, including Reservists and retirees, to attend these seminars. Commanding officers should encourage using other Services' pre-retirement programs if space allows Coast Guard personnel to attend. Figure 1.C.4.. contains additional guidance on pre-retirement seminars.

**1.C.4.b. Retirement Ceremony**

(1) A ceremony designed to express the Coast Guard's appreciation for the many years of faithful, honorable service normally shall precede a member's transfer to the retirement rolls. A ceremony should include a suitable assembly from the command. The commanding officer or in his or her absence the executive officer should cite awards, commendations, and other career highlights and make such remarks in bidding farewell as appropriate in the circumstances. If possible, commands should schedule these ceremonies to coincide with required personnel inspections. Rescheduling these inspections within limitations is considered appropriate.

(2) Commands may consider the following elements appropriate:

(a) Holding a suitable ceremony as described above at which the commanding officer should present:

[1] Retirement Certificate.

[2] Retirement Button.

[3] United States Flag.

[4] Good Conduct Award, if applicable.

[5] Certificate of Appreciation for spouse, if applicable.

[6] Retirement Orders.

[7] Awards, in the form of plaques presented in recognition of the member's professional achievements. Appropriated funds may be used for this purpose.

[8] An appropriate token of appreciation from the command in the form of a retirement plaque. Area, district, logistics/service center commanders, and Headquarters unit commanding officers are authorized to procure suitable plaques for personnel assigned to their staffs and subordinate commands using non-appropriated funds. Using appropriated funds for this purpose is forbidden. Presenting this command tribute to the retiree is optional at the discretion of the command and the retiree.

(b) Inviting the family, special guests, and shipmates, as the retiring member desires.

- (c) Taking pictures of the ceremony to present to the member and distributing press releases to the appropriate media.
  - (d) Holding a brief social gathering after the ceremony with simple refreshments for the honored member(s) and guests.
  - (e) Providing transportation for guests within the confines of the military installation if required.
- (3) The retirement ceremony should occur at the last permanent duty station. The command should ascertain each member’s preference in the matter before the scheduled retirement date and consider his or her desired timing and particulars of the ceremony but should not forego the ceremony except in extraordinary circumstances.

**Figure 1.C.4.a. Suggested Retirement Planning Guidance**

**PRE-RETIREMENT SEMINAR SAMPLE ANNOUNCEMENT**

Commander, [insert name], [Number] Coast Guard District is hosting a one-day pre-retirement seminar on [insert date] from 0830 to 1530 at [insert location, address]. Prospective retirees, retirees, and their spouses should find this seminar helpful in planning their future. Unit career counselors are welcome and encouraged to attend. The morning session will include a comprehensive overview of [insert two or three topics from the agenda; special features, e.g., financial planning exercises, etc., and confirmed speakers with special expertise, e.g., bankers, accountants, etc.]. All attendees will receive portfolios of vital retirement planning information. Those who plan to attend can make reservations by calling [insert telephone number], writing [insert address], or contacting by E-mail at [insert E-mail address]. Agenda attached.

Note: Plan to use a direct-mailed invitation as a primary means of inviting prospective attendees to the seminar.

**Figure 1.C.4.b. Suggested Retirement Planning Guidance**

**SEMINAR COORDINATOR GUIDANCE SHEET**

As Seminar coordinator, District (p) or logistics/service centers should follow these steps in planning their event. Obtain primary assistance from a Career Information Specialist, Command Master Chief (CMC), or other career counselor.

1. Request seminar participants from the major benefit programs listed as follows:
  - a. Veterans Administration.
  - b. Social Security Administration.
  - c. TRICARE/Medicare
  - d. Civil Service Commission.
  - e. Coast Guard Retired Affairs Programs, Survivor Benefit Plan, Identification Cards (RAPIDS) (DEERS), Decedent Affairs, Retired Newsletter, Thrift Savings Plan.
  - f. Transportation Officer.
  - g. DoD and PHS Medical Facilities.

<ul style="list-style-type: none"> <li>h. Legal Assistance (ensure restrictions on civilian employment after retirement are a part of this presentation).</li> <li>i. Space Available Travel.</li> <li>j. Resume Preparation.</li> <li>k. State Employment Officials.</li> <li>l. Retired Pay.</li> <li>m. Retiree Organizations.</li> </ul>
<p>2. Prepare an agenda, arrange meeting and parking facilities, collect reservations, coordinate Coast Guard speakers, and provide retirement packages.</p>
<p>3. At least 30 days before the Seminar, distribute agenda or program seminar throughout the District/Headquarters unit area; a sample of a Seminar announcement follows.</p>
<p>4. Coordinate issuing orders to prospective retirees wishing to attend who are stationed outside reasonable commuting distance of the Seminar location.</p>

**Figure 1.C.4.c. Publication List for Retirement Counselors**

<b>PUBLICATION LIST FOR RETIREMENT COUNSELORS</b>
Military Separations, COMDTINST M1000.4 (series)
Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)
Coast Guard Retiree Newsletter, PSC (RAS)
“Federal Benefits for Veterans and Dependents,” Government Printing Office. Telephone: (202) 512-1800
Physical Disability Evaluation System, COMDTINST M1850.2 (series)
Pre-Separation Guide, NAVPERS 15616
“Retired Military Almanac” (office copies only), P.O. Box 4144, Falls Church, VA 22044; Telephone: (703) 532-1631
“SBP Made Easy,” 0503-LP-219-9400, Naval Publications/Forms Center (or call The Retired Officers Association (TROA), 201 North Washington Street, Alexandria, VA 22314. Telephone: (703) 549-2311)
Thrift Savings Plan ( <a href="http://www.TSP.gov">www.TSP.gov</a> )
Your Guide in Retirement, PSCINST M1800.4
“Your Social Security” (FREE to military in quantity from the Social Security Administration)

## **1.C.5. Statutory Authority to Retire Commissioned Officers (Except Commissioned Warrant Officers)**

### **1.C.5.a. Voluntary Retirements**

- (1) 20-Year Retirement. Any Regular commissioned officer (except a commissioned warrant officer) who has completed 20 years' active service, at least 10 of which in commissioned service, may apply and, at the Secretary's discretion, retire from active service (14 U.S.C. §291).
- (2) 30-Year Retirement. Any Regular commissioned officer (except a commissioned warrant officer) who has completed 30 years' service may apply and, at the Commandant's discretion, retire from active service (14 U.S.C. §292).

### **1.C.5.b. Compulsory Retirement at Age 62**

Any Regular commissioned officer in the grade O7 or below, except a commissioned warrant officer, who reaches the age of 62 shall retire from active service on the first day of the first month after turning age 62 (14 U.S.C. §293).

### **1.C.5.c. Involuntary Retirement of Flag Officers**

- (1) Unless he or she retires under some other legal provision or remains on active duty under Article 1.C.5.c.(2) of this Manual, a rear admiral retires on 30 June of the promotion year in which he or she completes a total of 36 years of active commissioned service, including service creditable for retirement purposes under 14 U.S.C. §432 (14 U.S.C. §290) or on the first day of the month after turning age 64.
- (2) With the Secretary's approval, the Commandant may annually retain on active duty from promotion year to promotion year any rear admiral who otherwise would retire under Article 1.C.5.c.(1) of this Manual. Unless he or she retires under some other provision of law, a rear admiral so retained retires on 30 June of the promotion year in which no action takes place to further retain him or her under this provision (14 U.S.C. §290).
- (3) 14 U.S.C. §46 contains authority for the Commandant to retire.
- (4) 14 U.S.C. §51 contains authority for officers serving in the grade of vice admiral to retire.

### **1.C.5.d. Retirement of Regular Captains**

- (1) If he or she does not retire earlier, each regular Coast Guard captain who is not carried on an approved list of officers selected for promotion to rear admiral (lower half) retires on 30 June of the promotion year in which he or she or any captain junior to him or her on the Active Duty Promotion List (ADPL) who has not lost numbers or

precedence completes 30 years of active commissioned Coast Guard service (14 U.S.C. §288(a)), unless retained under Article 1.A.12.g. of this Manual. An officer who advanced in precedence on the ADPL because he or she was promoted from below the zone is not subject to earlier involuntary retirement under this Article than if he or she had not been selected from below the zone.

- (2) An officer retired under this Article must receive as retired pay at least 50 percent of the basic pay on which his or her retired pay was computed (14 U.S.C. §288(b)).

**1.C.5.e. Retirement of Commanders and Lieutenant Commanders for Failure of Selection for Promotion**

Each Regular Coast Guard officer serving as commander or lieutenant commander who fails selection for promotion to captain or commander, respectively, for the second time, or if not selected for continuation on active duty, shall:

- (1) If eligible for retirement under any law on 30 June of the promotion year in which the second failure of selection occurs, retire on that date; or
  - (2) If ineligible for retirement on 30 June of the promotion year in which the second failure of selection occurs, remain on active duty and retire on the last day of the month in which he or she completes 20 years of active service, unless earlier removed under another provision of law (14 U.S.C. §285); or
  - (3) If completing a continuation agreement and not selected for promotion or further continuation, then the officer shall be retired on the first day of the first month following the month in which the period of continued service is completed but not later than age 62.
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**1.C.6. Statutory Authority for Commissioned Warrant Officers' Retirement**

**1.C.6.a. 20-Year Retirement**

The Commandant may retire a commissioned warrant officer who has at least 20 years of active service at his or her request.

**1.C.6.b. Involuntary Retirement after 30 Years' Active Service**

- (1) A permanent regular commissioned warrant officer who has at least 30 years of active service retires 60 days after he or she completes that service (10 U.S.C. §1305). Warrant officers may be retained past 30 years of service based on the needs of the service.
- (2) The Commandant may defer the retirement of any commissioned warrant officer for up to four months under Article 1.C.6.b.(1) of this Manual if, due to unavoidable circumstances, evaluation of his or her physical condition and determination of his or

her entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he or she would be required to retire (10 U.S.C. §1305).

- (3) To satisfy a specific Service need, the Commandant also may defer retirement under Article 1.C.6.b.(1) of this Manual of a commissioned warrant officer with his or her consent and if a board of officers so recommends for up to 60 days after the officer turns 62 years old (10 U.S.C. §1305). Chief warrant officers who want to continue on active duty beyond 30 years may apply to Commander (CG PSC-OPM-1) between nine and 12 months before the mandatory retirement date. Extensions may be granted for any period up to a maximum of four years for a single request. Subsequent extensions may be granted based on additional requests. Chief warrant officers so extended and selected for promotion are required to serve two years in the new grade. A chief warrant officer serving on an extension may apply for voluntary retirement when he or she meets all eligibility requirements listed in Article 1.C.9. of this Manual. Extension requests will be kept on file pending the identification of specific Service needs. Whenever a need arises, a board of officers screens eligible applicants and selects the best-qualified candidate. If an extension is not approved by six months before the mandatory retirement date, the request will be removed from the file and the member retires on the mandatory retirement date. A member may withdraw a request from consideration at any time. Submit extension requests in a letter format with the following information:

- (a) The reason to request the extension.
- (b) The officer's statement indicating he or she is willing to serve in any assignment or geographic area.
- (c) Desired length of extension.
- (d) A concise recommendation by the member's chain of command.

### **1.C.6.c. Compulsory Retirement at Age 62**

- (1) Any permanent regular commissioned warrant officer who has at least 20 years of active service and is at least 62 years of age must retire on the first day of the month that occurs 60 days after his or her 62nd birthday (10 U.S.C. §1251 and §1263).
  - (2) The Commandant may defer any commissioned warrant officer's retirement for up to four months under Article 1.C.6.c.(1) of this Manual if, due to unavoidable circumstances, evaluation of his or her physical condition and determination of his or her entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before his or her mandatory retirement date (10 U.S.C. §1263).
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**1.C.7. Retirement or Release to Inactive Duty of Reserve Program Administrators**

**1.C.7.a. Retention on Active Duty**

- (1) A Reserve Program Administrator (RPA) who does not accept an active duty promotion shall be released to inactive duty on the last day of the month in which the promotion would have been effective unless he or she is eligible for and requests retirement on the first day of the following month.
- (2) While RPAs remain eligible for consideration and promotion under 14 U.S.C. §21, no RPA may accept a promotion to a higher grade than that to which he or she is selected by a board convened in accordance with 14 U. S.C. §276 and continue on extended active duty. If an RPA accepts a promotion resulting from a selection board convened under 14 U.S.C. §21, despite the provisions of 10 U.S.C. §1006(e), he or she shall be released to inactive duty on the first day of the month after the date he or she accepts the higher grade. If he or she declines a promotion resulting from a board convened under 14 U. S.C. §21 continue on active duty, he or she will not prejudice later acceptance. An appointment to the higher grade will be tendered after release to inactive duty if he or she is otherwise qualified.

**1.C.7.b. Failure of Selection for Promotion or Continuation**

In accordance with the provisions of 10 U.S.C. § 1174, 10 U.S.C. § 12686, 10 U.S.C. § 276, and 10 U.S.C. § 291, the following apply:

- (1) Captains. RPA captains eligible for active duty retirement and not recommended for continuation on active duty by a board convened for that purpose shall be retired no later than 30 June of the promotion year in which the board convened unless they otherwise request retirement. RPA captains ineligible for active duty retirement under any provision of law and not recommended for continuation by a board convened for that purpose remain on active duty for release to inactive duty or retirement, if they request, on the last day of the month in which they complete 20 years of active service, unless removed earlier under another provision of law.
- (2) Commanders and Lieutenant Commanders. RPAs serving as commanders or lieutenant commanders who fail selection to the next higher grade for the second time and:
  - (a) Have completed 20 years or more active service creditable for retirement shall be retired not later than 30 June of the promotion year in which the second failure occurs, or
  - (b) Ineligible for retirement on 30 June of the promotion year in which the second failure occurred and selected as an RPA (permanent or provisional) prior to the PY07 ROA designation board shall be retained on active duty and retired on the

last day of the month in which they complete 20 years of active service, unless earlier removed under another provision of the law. This is in alignment with regular Coast Guard officers and in accordance with 14 U.S.C. §285, or

- (c) Selected following the PY07 RPA designation board with fewer than 16 years of active service shall be considered for continuation by an RPA continuation board following the RPA selection board.
- (3) Lieutenants. RPAs serving as lieutenant who fail selection for promotion to lieutenant commander for the second time are:
- (a) Honorably discharged, retired, or released to inactive duty not later than 30 June of the promotion year in which the second selection failure occurs, or
  - (b) Honorably discharged or released to inactive duty at an earlier date at their request without loss of benefits than if they had been discharged on the date specified under Article 1.C.7.b.(3)(a) of this Manual, or
  - (c) If eligible for retirement under any law on the date specified for release or discharge in this section, retired on that date, or
  - (d) If completing at least 18 years of service for retirement on the date specified for discharge or release in Article 1.C.7.b.(3)(a) of this Manual, they shall be released to inactive duty, if they request, or be retained on active duty and retired on the last day of the month in which they complete 20 years of service.
- (4) Lieutenant (Junior Grade). RPAs serving as lieutenants (junior grade) who fail selection for promotion to lieutenant for the second time are:
- (a) Honorably discharged or released to inactive duty not later than 30 June of the promotion year in which the second failure of selection occurs, or
  - (b) At their request, honorably discharged or released to inactive duty at an earlier date without loss of benefits than if they had been discharged on the date specified under Article 1.C.7.b.(4)(a) of this Manual, or
  - (c) If eligible to retire under any law on the date specified for release or discharge in this section, they retire on that date at their request.

### **1.C.7.c. Time of Separation**

If under this Article the separation (discharge, retirement or release to inactive duty) of any officer would be required less than six months after approval of the report of the board which considered but did not select him or her:

- (1) For promotion for the second time or continuation, the officer's separation shall be

deferred until the last day of the sixth calendar month after such approval; or,

- (2) For promotion for the third (or more) time, the officer's retirement shall be effected on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law.

**1.C.7.d. Separation Pay Entitlement**

An RPA lieutenant or lieutenant (junior grade) released from active duty under these provisions is entitled to separation pay under 10 U.S.C. §1174, provided he or she has served six or more continuous years of active service immediately before the release date. Periods of active duty that have breaks of 30 days or less are considered continuous service when determining eligibility for Separation Pay.

**1.C.7.e. Completing 30 Years' Commissioned Service**

RPAs serving as captain or below shall be released to inactive duty on the last day of the month in which they complete 30 years of commissioned service unless they request retirement effective on the first day of the following month. Unless earlier released under other provisions of law or regulations, RPAs ineligible to retire under 10 U.S.C. §6323 continue on extended active duty until the last day of the month in which they become eligible to retire. They shall then be released to inactive duty unless they request retirement on the first day of the next month.

**1.C.7.f. Grade on Retirement**

- (1) Unless entitled to a higher grade, an RPA who retires under 10 U.S.C. 6323 retires in the highest permanent or temporary grade in which he or she satisfactorily served on extended active duty, at the Secretary's determination. If the Secretary determines the officer did not serve satisfactorily in his or her highest temporary grade, he or she retires in the next lower grade in which he or she served, but not lower than his or her permanent grade.
- (2) An RPA who is on an approved list of officers selected for promotion to the next higher grade who retires for physical disability under 10 U.S.C. §61 before being promoted, retires in the grade to which he or she was selected for promotion.

**1.C.7.g. Mandatory Retirement of Running Mates**

RPA captains shall be released to inactive duty unless they are eligible for and request retirement on or before the date (30 June) their running mates retire on completing 30 years' commissioned service under 14 U.S.C. §288 provisions. Unless earlier released under other provisions of law or regulations, an RPA ineligible to retire under 10 U.S.C. §6323 continues on extended active duty until the last day of the month in which he or she becomes eligible to retire. The officer shall then be released to inactive duty or retired at his or her request.

**1.C.7.h. Separation for Cause**

An RPA may be separated for cause in the same manner as a regular Coast Guard officer under Article 1.A.14. of this Manual. Reserve membership on boards convened for this purpose shall comply with 33 CFR 8.1110.

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**1.C.8. Permanent Commissioned Teaching Staff Members' Retirement****1.C.8.a. Voluntary Retirement**

- (1) 20-Year Retirement. Any professor, associate professor, assistant professor, or instructor in the Coast Guard who has completed 20 years' active service, at least 10 years of which in active commissioned service, may apply and, at the Secretary's discretion, retire from active service with the retired pay of the grade he or she holds on retirement (14 U.S.C. §190 and 14 U.S.C. §291).
- (2) 30-Year Retirement. Any Coast Guard professor, associate professor, assistant professor, or instructor who has completed 30 years' service may apply and, at the Commandant's discretion, retire from active service with the retired pay of the grade he or she holds on retirement (14 U.S.C. §190 and 14 U.S.C. §292).

**1.C.8.b. Involuntary Retirement**

Unless they retire earlier, Permanent Commissioned Teaching Staff (PCTS) members shall retire on 30 June of the promotion year in which they complete 30 years' active commissioned service.

- (1) If the member requests and the Superintendent favorably recommends the member's retention as in the Academy's best interests, Commander (CG PSC-OPM) may approve a member's continued service on active duty for additional one- or two-year periods up to a total of 35 years of commissioned service. A member so retained, unless retired under some other provision, retires when that extension expires unless action is taken to further retain the member under this Article. The Superintendent should make his or her recommendation under this Article at least one year before the member's scheduled retirement date.
- (2) If not earlier retired, PCTS members retire on 30 June of the promotion year in which they complete 35 years' active commissioned service. If the Superintendent favorably recommends a member's retention as necessary to fulfill a compelling Service need, Commander (CG PSC-OPM) may delay a member's involuntary retirement under this paragraph for up to two years. Unless they retire under some other provision, these members retire when such extension expires unless action is taken to further retain them under this Article. The Superintendent should make his or her recommendation under this Article at least one year before the member's scheduled retirement date.

**1.C.8.c. Compulsory Retirement at Age 64**

Any professor, associate professor, assistant professor, or instructor in the Coast Guard who reaches the age of 64 shall retire from active service with the retired pay of the grade he or she held on retirement (14 U.S.C. §190).

**1.C.8.d. Retaining Captains**

The provisions of 14 U.S.C. §288 on captains' mandatory retirement and 14 U.S.C. §289 on captain continuation boards does not apply to PCTS members.

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**1.C.9. Procedures for Active Duty Officers' Retirement**

**1.C.9.a. Request for Voluntary Retirement**

Commander (CG PSC-OPM) has final approval or disapproval authority of voluntary retirement requests. In approving a request for voluntary retirement, Commander (CG PSC-OPM) may specify an effective date other than that requested if a change is necessary in the Service's best interests to provide time for orderly relief or, in some cases, to complete the current or an ordered tour of duty. Commander (CG PSC-OPM) will consider requests based on the Service's overall needs and the merits of an individual case using the following guidelines:

- (1) An officer considering a voluntary retirement should refer to 1.C.5. of this Manual (regular commissioned officers) or 1.C.6. of this Manual (warrant officers) and meet the following criteria:
  - (a) Complete the two-year obligated service requirement incurred for a permanent promotion. (An officer will not be promoted if he or she has an approved voluntary retirement on file.),
  - (b) Complete at least one year of duty at current duty station if assigned INCONUS,
  - (c) Complete at least two years of duty at current duty station if assigned OCONUS on a with-dependents tour. (If a member has been assigned to more than one unit in the same OCONUS area, he or she must have at least two years in that area and one year at his or her current unit.)
  - (d) Complete the prescribed tour length or at least two years, whichever is less, when assigned OCONUS on a without-dependents tour.
  - (e) Submit a request between two years and six months before the desired retirement date.

- (2) Officers desiring a retirement date not meeting the requirements set forth in 1.C.9.a.(1) above may request a waiver, however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant billet. Such requests will be approved based upon Service needs. If the retirement request is disapproved, Commander (CG PSC-OPM) will notify the member as to when they may resubmit a retirement request.
- (3) Officers who are currently in the special board/panel process should refer to Article 1.A.21. of this Manual.
- (4) Officers approaching mandatory retirement for any reason are not required to request retirement.
- (5) Any officer or chief warrant officer in receipt of PCS orders who will complete at least two years in grade by the specified retirement date in this paragraph who wishes to retire in lieu of executing those orders (RILO) must advise Commander (CG PSC-OPM) or (CG PSC-RPM) by message within five days of either the order issue date or the date time group of the general message announcing assignment panel results (30 days for SELRES members), whichever is earlier per Article 1.A.2.e. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series). The member must simultaneously submit a request to retire with an effective date of retirement on or before 1 August of that assignment year. Commander (CG PSC-OPM) normally approves these requests effective the first day of the month after the detachment date of the PCS orders or by 1 August after an assignment panel results general message. An officer requesting retirement must comply with Article 1.C.3. of this Manual as soon as practical to ensure completing the physical examination before retirement.
- (6) Requests for voluntary retirement from captains shall be submitted to Commander (CG PSC-OPM) thru their commanding officer (actual commanding officer or the appropriate officer with jurisdiction) and cognizant flag officer. For captains assigned to Coast Guard Headquarters, assistant commandants or directors should endorse requests for separation as appropriate.

Note: For captains assigned to Coast Guard Headquarters, requests need not be routed through Base National Capital Region (NCR), Washington DC.

- (7) Requests for voluntary retirement from commanders and below shall be submitted to Commander (CG PSC-OPM) via their commanding officer (actual commanding officer or the appropriate officer with jurisdiction). For officers assigned to Coast Guard Headquarters, assistant commandants, directors, or division chiefs should endorse requests for separation as appropriate.

Note: For commanders and below assigned to Coast Guard Headquarters, requests need not be routed through Base NCR, Washington DC.

- (8) The immediate commanding officer should include in the endorsement:
- (a) A statement recommending approval or disapproval. If disapproval or conditional approval, the full reasons thereof.
  - (b) A statement, as needed, concerning a replacement or the impact of gapping the job position.
  - (c) Any other useful information to assist the Officer Personnel Management staff in making a final decision.
- Note: (1) Where an unconditional endorsement of "forwarded, recommending approval" is determined, the CO may merely endorse the via line with their signature and date; (2) Additional "thru" addressees may be included if considered appropriate by the CO; (3) Facsimile copies of signed requests with signed endorsement should be transmitted only if requested by Commander (CG PSC-OPM).
- (9) Officers faced with mandatory retirement, for any reason, need not request retirement. However, officers may request voluntary retirement to occur on the scheduled mandatory retirement date if they desire their retirement be classified as "voluntary" vice "involuntary."
- (10) Requests from flag officers shall be submitted to Commander (CG PSC-OPM-1) thru their Coast Guard superior (e.g., Area Commander or Assistant Commandant, etc.) and thru the Vice Commandant.

#### **1.C.9.b. Scheduling Retirement Orders**

- (1) An officer requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Officers who will reach 30 years of time in service or mandatory retirement outside of the 1 May to 1 October timeframe should cite that fact as their reason for submitting a request for voluntary retirement on a date outside of the otherwise prescribed retirement window.
- (2) Commander (CG PSC-OPM) issues retirement orders under the procedures listed in Article 1.C.1. of this Manual and mails them via the member's command shortly after approval of a request, but no later than 120 days prior to retirement. If orders processing must be delayed (e.g., awaiting funding authority for requests approved into the next Fiscal Year), notification of Commander (CG PSC-OPM) approval will be provided prior to issuing orders.
- (3) Commander (CG PSC-OPM) will approve retirement dates as close to the requested date as possible to meet Service needs. (See Article 1.C.9.a. of this Manual.)

- (4) When sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC-OPM) will give priority to officers who have the most active service.
- (5) Commander (CG PSC-OPM-1) will issue retirement orders to officers approaching statutory retirement age approximately six months before the first of the month after their 62nd birthday. If the officer has not received such notice 120 days before the statutory date, he or she should inform Commander (CG PSC-OPM-1) immediately.
- (6) Commander (CG PSC-OPM-1) will issue retirement orders to officers retiring for failure of selection for promotion approximately six months before the scheduled retirement date. If the officer has not received orders 120 days before that date, he or she should inform Commander (CG PSC-OPM-1) immediately.
- (7) Commander (CG PSC-OPM-1) will issue retirement orders for commissioned warrant officers approaching 30 years active service approximately 6 months prior to mandatory retirement. For those CWO's selected for active service beyond 30 years per Article 1.C.6.b.(3) of this Manual, Commander (CG PSC-OPM-1) will defer issuing retirement orders until approximately 6 months prior to their authorized termination date. If the officer has not received orders 120 days before their retirement date, he or she should inform Commander (CG PSC-OPM-1) immediately.

**1.C.9.c. Canceling or Delaying Retirement Orders**

- (1) The decision to submit a retirement letter is a serious one because the projected separation triggers transfer and promotion actions that, if reversed, could cause hardship to other officers. Therefore, Commander (CG PSC-OPM) may approve a request to cancel or delay a scheduled retirement based on Service needs or a member's hardship situation similar or equal to those listed in Article 1.D.2.c. of this Manual. The Service does not consider a change in civilian employment plans a hardship.
- (2) In canceling a scheduled retirement, the officer must agree to remain on active duty for two years after the date the request is approved. The cancellation request should indicate this agreement.
- (3) Whenever possible, submit a request to cancel or delay a scheduled retirement at least three months before the retirement date through the chain of command; the request should contain the reasons for it.

- (4) If during the retirement processing period, a member is diagnosed with serious disease or suffers from serious injuries neither ratable by the Physical Disability Evaluation System nor disqualifying for separation, he or she may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), paragraph 2.C.2.b. Submit the request to Commander (CG PSC-OPM) and support it by attaching all relevant medical documents. The command should endorse the request. A member should schedule a physical examination at least six months before the retirement date to allow enough time to treat such remediable medical problems. If a member adheres to this schedule, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-OPM) will not consider delaying retirement for a member who obviously neglected to obtain timely medical treatment.
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## **1.C.10. Statutory Authority to Retire Active Duty Enlisted Members**

### **1.C.10.a. Voluntary Retirement**

- (1) 20-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 20 years of service may retire from active service (14 U.S.C. §355).
- (2) 30-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 30 years of service may retire from active service (14 U.S.C. §354).

### **1.C.10.b. Compulsory Retirement**

Any enlisted member who reaches the age of 62 shall retire from active service (14 U.S.C. §353).

### **1.C.10.c. Involuntary Retirement**

- (1) Authority. 14 U.S.C. §357 allows the Commandant to review the records of enlisted members who have 20 or more years of active military service to consider retiring these members involuntarily.
- (2) Convening the Board. A Coast Guard Enlisted Personnel Board shall convene when and where the Commander (CG PSC-EPM) directs to recommend for retirement enlisted members who have 20 or more years of active service and whom the Board determines, at its discretion, should retire. A Board convened under this section shall consist of at least three commissioned officers, at least one of whom is a commander or higher, and two enlisted members, of equal or higher pay grade as that of the member being considered. No ensuing annual Board may include as a member any person who was a member of the preceding annual Board.

- (3) Submitting Recommendations. Commanding officers shall recommend to Commander (CG PSC-EPM-1) any enlisted member under their command who has completed 20 years of active service and should be considered for involuntary retirement. District units' commanding officers shall send the recommendations through the district commanders. Commanding officers should recommend a member if his or her:
- (a) Conduct is marginal.
  - (b) Financial irresponsibility will discredit the Coast Guard and its personnel through voluminous correspondence with creditors.
  - (c) Leadership, performance of duty, physical stamina, etc., are now below the standards expected or required for their rate. Specific reasons and supporting documents, including a copy of enlisted employee review showing average marks, must be included for each individual.
- (4) Procedure. Each member under the Board's review shall be:
- (a) Notified in writing of the reasons he or she is being considered for involuntary retirement.
  - (b) Provided counsel certified under 10 U.S.C. §827(b) to help prepare a rebuttal and represent him or her before the Board.
  - (c) Allowed 60 days from the date on which counsel is provided to submit any items in rebuttal.
  - (d) Allowed full access to and furnished with copies of records under consideration for involuntary retirement before submitting the rebuttal.
  - (e) Allowed to appear before the Board and present witnesses or documents pertinent to the review.
- (5) Acting on Board Recommendations. After the Board completes its determination, each enlisted member being considered for involuntary retirement shall be:
- (a) Notified by certified mail of the reasons he or she was considered for involuntary retirement.
  - (b) Provided counsel certified under 10 U.S.C. §827(b) to help prepare a rebuttal.
  - (c) Allowed 60 days from the date counsel is provided to submit any matters in rebuttal.
  - (d) Allowed full access to and furnished with copies of records relevant to consideration for involuntary retirement before the member submits the rebuttal.

- (6) Commandant Approval. If the Commandant approves the Board's recommendation, the member shall be notified of the Commandant's decision and retired within 90 days of the notification.

**1.C.10.d. Reduction in Force Separations**

When the Secretary orders a reduction in force, Commander (CG PSC-EPM) may separate enlisted members involuntarily from service without convening the Board described in Article 1.C.10.c. of this Manual.

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**1.C.11. Procedures to Retire Enlisted Members**

**1.C.11.a. Requests for Voluntary Retirement**

- (1) An enlisted member's non-disability retirement occurs at the discretion of Commander (CG PSC-EPM) and Commander (CG PSC-RPM). Therefore, an enlisted member's request will be considered on the basis of overall Service needs and the merits of each individual case. As a general rule, the provisions listed here govern; however, an enlisted member does not automatically accrue a vested right to retire when he or she chooses independently of Service needs merely by completing 20 years of active service.
- (2) An enlisted member may submit a request for voluntary 20-year retirement to Commander (CG PSC-EPM-1) if the member:
  - (a) Has completed 18 years of active service, and
  - (b) Requests an effective date of retirement which provides:
    - [1] Completing at least one year of duty at current duty station if assigned INCONUS.
    - [2] Completing at least two years at current duty station if assigned OCONUS on a with-dependents tour. If the member has been assigned to more than one unit in the same OCONUS area, he or she must have at least 2 years in that area and one year at their current unit.
    - [3] Completing the prescribed tour length or at least two years, whichever is less, if assigned OCONUS on a without-dependents tour.
    - [4] Completing the two-year obligated service (OBLISERV) requirement incurred for advancement to pay grade E-7, E-8, or E-9. (Articles 1.B.1.a.(2) and 3.A.19.e. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), and 1.B.12.b.(2) of this Manual.)

## (3) Retire in Lieu of Executing Orders (RILO)

- (a) If a member receives PCS orders during an assignment year, is otherwise eligible to retire by his/her departure date, and wishes to retire in lieu of executing orders (RILO), he/she must so advise Commander (CG PSC) by message within five working days of orders issue date (30 days for SELRES members) and simultaneously submit a request to retire with an effective date of retirement on or before 1 August of that assignment year. Commander (CG PSC-EPM), or (CG PSC-RPM) for SELRES members, will consider such requests and assign an effective date of retirement based on overall Service needs; however, in certain instances, the member may be required to comply with orders.
  - (b) Commanding officers may request that a member's effective date of retirement be delayed based on needs of the Service (i.e., on-site relief needed for a critical billet). Commander (CG PSC-EPM) will consider such requests based on the overall needs of the Service.
  - (c) Commander (CG PSC-EPM) will not cancel a retirement so scheduled except to allow disability processing.
- (4) If it appears a request for retirement or cancellation of transfer orders is warranted even though it does not meet the requirements of Article 1.C.11.a.(2) of this Manual, the member should send the request and full supporting information pertaining to it to Commander (CG PSC-EPM) for consideration. Such a request will be approved only in those rare instances when in the judgment of Commander (CG PSC-EPM), departing from Article 1.C.11.a.(2) of this Manual's normal rules is justified. If the request is disapproved, Commander (CG PSC-EPM) will indicate when the member may resubmit a retirement request. Commander (CG PSC-EPM) will cancel a request approved under this paragraph only for the reasons listed in Article 1.C.11.c. of this Manual.
- (5) Submit retirement requests to Commander (CG PSC-EPM-1) not more than two years or less than six months before the desired retirement date. Members desiring a retirement date sooner than six months out, may so request; however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant position. Such requests will be approved based upon Service needs. They will be acknowledged by either approval or disapproval.
- (6) Area, district, logistics/service center, and unit commanding officers will include the following comments in endorsements to all retirement requests:
- (a) Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
  - (b) Whether the member meets the requirements listed in Article 1.C.11.a.(2) of this Manual.

- (7) Enlisted members who have completed 29.5 or more years of active duty should submit requests for 30-year retirement to Commander (CG PSC-EPM-1).
- (8) Enlisted members approaching statutory age are not required to apply for retirement.

**1.C.11.b. Scheduling Retirement Orders**

- (1) A member requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Members who will reach 30 years of time in service or mandatory retirement outside of the 1 May to 1 October timeframe should cite that fact as their reason for submitting a request for voluntary retirement on a date outside of the otherwise prescribed retirement window.
- (2) Final approval of a retirement rests with Commander (CG PSC-EPM-1) who may specify an effective date later than that requested if, in the best interest of the Service, a delay is necessary to provide for orderly relief, completion of an ongoing investigation, or, in some cases, completion of the current or ordered tour of duty.
- (3) If sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC-EPM) will select retirees in order of highest total service computed to the retirement date for which selections are being made.
- (4) Commander (CG PSC-EPM-1) will issue retirement orders for enlisted members approaching statutory age approximately six months before the effective retirement date.

**1.C.11.c. Canceling or Delaying Retirement Orders**

- (1) The decision to submit a retirement memorandum is a serious one because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CG PSC-EPM-1) normally will not honor a request to cancel or delay an already approved retirement date unless a specific Service need exists and only under these conditions:
  - (a) A Service need exists.
  - (b) A member has a hardship situation similar or equivalent to those listed in Article 1.D.2. of this Manual. The Service does not consider a change in civilian employment plans a hardship.
  - (c) The retirement physical examination finds the member “not fit for duty” and the member requests in writing to cancel his or her retirement orders and processing for a physical disability retirement; or

- (d) If during the retirement processing period, the member is diagnosed with serious diseases or suffering from serious injuries not ratable by the Physical Disability Evaluation System nor disqualifying for separation, he or she may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), Paragraph 2.C.2.b. Submit the request to Commander (CG PSC-EPM); support it by attaching all relevant medical documents. The member's command, HSWL Service Center, and Commandant (CG-112) must endorse the request. A member should schedule a physical examination at least six months before retirement to allow enough time to treat remediable medical problems. If the member does so, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-EPM) will not consider delaying retirement for a member who obviously neglected to obtain prompt medical treatment.
- (2) In canceling a scheduled retirement, the member must agree to remain on active duty for two years from the date the request is approved and indicate this agreement in the basic cancellation request. If a member's enlistment expires within two years of the request date, he or she must extend his or her enlistment for obligated service within 30 days after Commander (CG PSC-EPM-1) approves the cancellation.
- (3) Submit a request to cancel or delay a scheduled retirement at least three months before the retirement date if at all possible. State the reasons for the request and submit it through the chain of command.

## **1.C.12. Grade or Rate in Which Retired**

### **1.C.12.a. General Authority**

Every commissioned officer, chief warrant officer, or enlisted member who retires under any provision of 14 U.S.C. retires with the permanent grade or rate he or she held at the time of retirement unless entitled to retire with a higher grade or rate under any provision of this title or any other law (14 U.S.C. §421).

### **1.C.12.b. Commissioned Officers Other than Commissioned Warrant Officers**

- (1) Any commissioned officer, except a chief warrant officer, who retires under any provision of 14 U.S.C. retires from active service with the highest grade he or she

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held (if different from their permanent grade) for at least six months (this does not alter the two-year time in grade requirement of Article 1.C.9.a.(1)(a) of this Manual for requesting voluntary retirement) while on active duty in which, as the Commandant determines, the member performed duty satisfactorily, with retired pay of the grade at which retired (14 U.S.C. §334 (a)).

- (2) If any commissioned officer, except a commissioned warrant officer, is on an approved list of officers selected for promotion to the next higher grade and retires for physical disability under the provisions of Chapter 2 of this Manual before being promoted, he or she retires in the grade to which selected for promotion (14 U.S.C. §294).

#### **1.C.12.c. Chief Warrant Officers**

- (1) Any chief warrant officer retiring under any provision of 10 U.S.C. §580, §1263, §1293, or §1305 retires from active service with the highest commissioned grade above chief warrant officer, W-4, he or she held for at least six months (this does not alter the two-year time in grade requirement of Article 1.C.9.a.(1)(a) of this Manual for requesting voluntary retirement) on active duty in which, as the Commandant determines, he or she performed duty satisfactorily, with retired pay of the grade at which retired. However, if the highest grade's rate of pay is less than that of the warrant grade with which the officer would otherwise retire under Article 1.C.12.g.(2) of this Manual, the retired pay is based on the higher rate of pay (14 U.S.C. §334(b)).
- (2) In cases where a member has been reduced in grade by a Special Court-Martial (SPCM) or General Court-Martial (GCM), the highest grade satisfactorily held shall be no higher than the grade to which the member was reduced after the court-martial conviction becomes final, unless the member subsequently advances or is again reduced. Where a member subsequently advances or is again reduced following a reduction by a SPCM or GCM, the highest grade satisfactorily held shall be no higher than the pay grade to which the member advanced or was reduced to following the court-martial.

#### **1.C.12.d. Retired Officer Promoted After Recall to Active Duty**

If a Regular officer on the retired list recalled to active duty is promoted during that duty to a higher grade under an appointment (See Article 3.A.8. of reference (a), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series).) and satisfactorily performs duty under that appointment, on relief from active duty he or she shall be promoted on the retired list to the highest grade held while on such active duty (14 U.S.C. §333).

#### **1.C.12.e. Enlisted Members**

- (1) Any enlisted member who retires under any provision of 14 U.S.C. retires from active

service with the highest grade or rate he or she held while on active duty in which, as Commander (CG PSC-EPM-1) or the Commandant, as appropriate, determines he or she performed duty satisfactorily, but not lower than his or her permanent grade or rate with retired pay of the grade or rate at which retired (14 U.S.C. §362).

- (2) In cases where a member has been reduced in grade by a Special Court-Martial (SPCM) or General Court-Martial (GCM), the highest grade satisfactorily held shall be no higher than the grade to which the member was reduced after the court-martial conviction becomes final, unless the member subsequently advances or is again reduced. Where a member subsequently advances or is again reduced following a reduction by a SPCM or GCM, the highest grade satisfactorily held shall be no higher than the pay grade to which the member advanced or was reduced to following the court-martial.

**1.C.12.f. Grade on Retiring for Physical Disability**

Unless entitled to a higher grade under some other provision of law, any Coast Guard member who retires for physical disability or is placed on the temporary disability retired list (TDRL) under 10 U.S.C. §61 is entitled to the grade or rate equal to the highest of:

- (1) The grade or rate in which the member served on the date his or her name was placed on the TDRL or, if his or her name was not carried on that list, on the date when the member retires.
- (2) The highest grade or rate in which the member served satisfactorily, as the Commandant determines.
- (3) The permanent regular or Reserve grade or rate to which the member would have been promoted had it not been for the physical disability for which he or she retired and which was found to exist as a result of the member's physical examination.
- (4) The temporary grade to which the member would have been promoted had it not been for the physical disability for which he or she retired, if eligibility for that promotion was based on cumulative years of service or years of service in grade and the disability was discovered as a result of his or her physical examination for promotion (10 U.S.C. §1372).

**1.C.12.g. Procedure to Certify Highest Grade or Rate on Retirement**

- (1) Commander (CG PSC-EPM) or (CG PSC-OPM) will administratively review the record of each individual scheduled to retire to determine the highest grade or rate in which his or her Coast Guard service is satisfactory.
- (2) In the absence of a reduction in grade by a Special Court-Martial or General Court-Martial, service will be considered satisfactory and the member will be certified to the highest grade if he or she served on active duty for at least six months in a

commissioned officer grade or 31 days in a chief warrant officer or enlisted grade and his or her official records indicate overall satisfactory performance for the entire period served in the higher grade.

- (3) When an officer reverts from a higher grade due to approval of a board which recommended such reversion, his or her service in the higher grade will not be considered satisfactory unless he or she was later promoted again to the higher grade and meets the requirements of Article 1.C.12.g.(2) of this Manual.
  - (4) If the administrative review described in Article 1.C.12.g.(1) of this Manual does not result in a determination of satisfactory service, the determination will be referred to a special board of officers who will review the member's official records and make its recommendation to the Commandant. The board acts in an advisory capacity and its recommendation shall be considered as such. The Commandant makes the final determination of satisfactory service.
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### **1.C.13. Computing Retired Pay**

Commanding officers should encourage members applying for retirement to become familiar with the following helpful information.

#### **1.C.13.a. Electing Retirement for Service**

- (1) For members who first became a Member of a Uniformed Service on or Before 7 September 1980. If a member retires for service, determine his or her pay by multiplying two and one-half percent (2.5%) times the number of years and full of active service to get a "multiplier;" multiply that by the member's basic pay on the retirement date (for chief warrant officers, on the day before retirement) to derive gross monthly retired pay. (See Figure 1.C.13.a. of this Manual) Members who had previous drilling Reserve service are entitled to an additional day of active duty for each Reserve point earned. An enlisted member may be eligible for 10 percent additional pay for extraordinary heroism or good conduct. (See Article 1.C.13.d. of this Manual.) After retirement, the individual may obtain a disability rating from the Department of Veterans Affairs (VA) and receive disability compensation from that agency. If so, the member must waive an amount of the Coast Guard retired pay equal to the disability compensation.
- (2) For Members Who First Became a Member of a Uniformed Service on or After 8 September 1980 and before 1 August 1986 and Members Who First Became a Member of a Uniformed Service After 1 August 1986 Who Elected NOT to Receive the Career Status Bonus. If a member elects to retire for service, determine his or her pay by multiplying two and one-half percent (2.5%) times the number of years and full months of active service to get a "multiplier;" multiply that by his or her high 36-months' average of basic pay, whether or not consecutive, to derive gross monthly retired pay. (See Figure 1.C.13.a. of this Manual.) Members who had previous drilling Reserve service are entitled to an additional day of active duty for each

Reserve point earned. After retirement, the individual may obtain a disability rating from the VA and receive disability compensation from that agency. If so, the member must waive an amount of the Coast Guard retired pay equal to the disability compensation.

- (3) For Members Who First Became a Member of a Uniformed Service on or After 1 August 1986 and Who Did Elect to Receive the Career Status Bonus. If a member elects to retire for service, determine pay by multiplying two percent (2%) times the number of years of active service (up to 20 years) and three and one-half percent (3.5%) for each year and full month of active service after 20 years; multiply that times the high 36-months' average of basic pay, whether or not consecutive, to derive gross monthly retired pay. (See Figure 1.C.13.b. of this Manual.) Members who had previous drilling Reserve service are entitled to an additional day of active duty for each Reserve point earned. After retirement, the individual may obtain a disability rating from the VA and receive disability compensation from that agency. If so, the member must waive an amount of the Coast Guard retired pay equal to the disability compensation.
- (4) Satisfactory Service in Higher Permanent or Temporary Grade. Members who retire for service who have served satisfactorily in a higher permanent or temporary grade or rate as Commander (CG PSC-OPM-1), (CG PSC-EPM-1), or the Commandant, as appropriate, determines, compute their retired pay on that grade's or rate's basic pay. (See Article 1.C.12. of this Manual.)
- (5) Determination of Retired Pay Formulas. Determining which retired pay formula described in 1.C.13.a.(1), 1.C.13.a.(2), and 1.C.13.a.(3) of this Manual applies depends on the member's "Date of Initial Entry into Military Service" (DIEMS). A member's DIEMS is the earliest date they joined a Uniformed Service either through the Delayed Entry Program, a service academy, their enlistment, induction or appointment. Service Academy cadets and persons in the Delayed Entry Program are considered "members of the Uniformed Service" while they serve in such status. Neither Delayed Entry nor Service Academy time are creditable for computing any member's retired pay multiplier, except that Service Academy time is creditable for enlisted personnel. Service time while attending a Service Academy may not be counted in computing, for any purpose, the length of service of an officer.

#### **1.C.13.b. Physical Disability Retirement**

A member with at least eight years' service who receives a physical disability retirement may receive retired pay based on monthly basic pay (entered service on or before 7 September 1980) or high 36-month average (entered service on or after 8 September 1980) at retirement based on the following formulas:

- (1) Multiply by the Percentage of Disability. The retired pay of a member placed on the temporary disability retired list is at least 50 percent of the pay on which compensation is made, or

- (2) Multiply Number of Years by two and one-half percent (2.5%) and full months of service by one-twelfth of 2.5 percent to obtain the “multiplier;” multiply that by the monthly basic pay or high 36-months’ average to derive gross monthly retired pay. An enlisted member may qualify for 10 percent additional pay for extraordinary heroism. An enlisted member with 20 years’ or more service may qualify for 10 percent additional pay for good conduct. (See Article 1.C.13.d. of this Manual.)
- (3) For a Member Who First Joined a Uniformed Service on or Before 24 September 1975: That part of the retired pay of a member retired for physical disability based on the percentage of disability is not considered as income for Federal Income Tax.
- (4) For a Member Who First Joined a Uniformed Service on or After 25 September 1975: That part of the retired pay of a member retired for physical disability based on the percentage of disability is considered as income for Federal Income Tax unless caused by a combat-related injury, defined as personal injury or sickness incurred in any of the following circumstances:
- (a) As a direct result of armed conflict.
  - (b) While engaged in extra hazardous service.
  - (c) Under conditions simulating war.
  - (d) Caused by an instrument of war.

**1.C.13.c. Submitting Election**

If a physical disability retirement is directed, Commanding Officer, Pay and Personnel Center (PPC) sends the necessary forms to use in electing the method on which to compute retired pay.

**1.C.13.d. Extra Retired Pay for Enlisted Personnel for Extraordinary Heroism**

Any Regular enlisted member voluntarily or involuntarily retired for 20 years’ service who was cited for extraordinary heroism in the line of duty, determined by the Secretary’s final, conclusive determination, is entitled to have his or her retired pay increased by an amount equal to 10 percent of the active duty pay and permanent additions thereto of the grade or rate at which retired (14 U.S.C. §357).

**1.C.13.e. Maximum Retired Pay**

The maximum retired pay of any member is 75 percent of the basic pay of the grade or rate in which placed on the retired list.

**Figure 1.C.13.a. Retirement Multipliers Chart 1**

<b>Multipliers for Members Who First Became a Member of a Uniformed Service on or Before 31 July 1986 or for Members Who First Became a Member of a Uniformed Service after 31 July 1986, but did not elect the 15 Year Career Status Bonus (REDUX) Plan.</b> <b>(Effective Table Date: 1 October 1983)</b>											
Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos_	%
20	0	50	23	0	57.50	26	0	65	29	0	72.50
	1	50.20		1	57.70		1	65.20		1	72.70
	2	50.43		2	57.93		2	65.43		2	72.93
	3	50.63		3	58.13		3	65.63		3	73.13
	4	50.83		4	58.33		4	65.83		4	73.33
	5	51.05		5	58.55		5	66.05		5	73.55
	6	51.25		6	58.75		6	66.25		6	73.75
	7	51.45		7	58.95		7	66.45		7	73.95
	8	51.68		8	59.18		8	66.68		8	74.18
	9	51.88		9	59.38		9	66.88		9	74.38
	10	52.08		10	59.58		10	67.08		10	74.58
	11	52.30		11	59.80		11	67.30		11	74.80

Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%
21	0	52.50	24	0	60	27	0	67.50	30	0	75
	1	52.70		1	60.20		1	67.70			
	2	52.93		2	60.43		2	67.93			
	3	53.13		3	60.63		3	68.13			
	4	53.33		4	60.83		4	68.33			
	5	53.55		5	61.05		5	68.55			
	6	53.75		6	61.25		6	68.75			
	7	53.95		7	61.45		7	68.95			
	8	54.18		8	61.68		8	69.18			
	9	54.38		9	61.88		9	69.38			
	10	54.58		10	62.08		10	69.58			
	11	54.80		11	62.30		11	69.80			

Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%
22	0	55	25	0	62.50	28	0	70
	1	55.20		1	62.70		1	70.20
	2	55.43		2	62.93		2	70.43
	3	55.63		3	63.13		3	70.63
	4	55.83		4	63.33		4	70.83
	5	56.05		5	63.55		5	71.05
	6	56.25		6	63.75		6	71.25
	7	56.45		7	63.95		7	71.45
	8	56.68		8	64.18		8	71.68
	9	56.88		9	64.38		9	71.88
	10	57.08		10	64.58		10	72.08
	11	57.30		11	64.80		11	72.30

Figure 1.C.13.b. Retirement Multipliers Chart 2

<b>Multipliers for Members Who First Became a Member of a Uniformed Service on or After 1 August 1986 and did elected to receive the 15 Year Career Status Bonus (REDUX) Plan.                      (Effective Table Date: 1 August 1986)</b>											
Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%
20	0	40	23	0	50.50	26	0	61	29	0	71.50
	1	40.29		1	50.79		1	61.29		1	71.79
	2	40.58		2	51.08		2	61.58		2	72.08
	3	40.88		3	51.38		3	61.88		3	72.38
	4	41.17		4	51.67		4	62.17		4	72.67
	5	41.46		5	51.96		5	62.46		5	72.96
	6	41.75		6	52.25		6	62.75		6	73.25
	7	42.04		7	52.54		7	63.04		7	73.54
	8	42.34		8	52.84		8	63.34		8	73.84
	9	42.63		9	53.13		9	63.63		9	74.13
	10	42.92		10	53.42		10	63.92		10	74.42
	11	43.21		11	53.71		11	64.21		11	74.71

  

Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%
21	0	43.50	24	0	54	27	0	64.50	30	0	75
	1	43.79		1	54.29		1	64.79			
	2	44.08		2	54.58		2	65.08			
	3	44.38		3	54.88		3	65.38			
	4	44.67		4	55.17		4	65.67			
	5	44.96		5	55.46		5	65.96			
	6	45.25		6	55.75		6	66.25			
	7	45.54		7	56.04		7	66.54			
	8	45.84		8	56.34		8	66.84			
	9	46.13		9	56.63		9	67.13			
	10	46.42		10	56.92		10	67.42			
	11	46.71		11	57.21		11	67.71			

  

Yrs	Mos	%	Yrs	Mos	%	Yrs	Mos	%
22	0	47	25	0	57.50	28	0	68
	1	47.29		1	57.79		1	68.29
	2	47.58		2	58.08		2	68.58
	3	47.88		3	58.38		3	68.88
	4	48.17		4	58.67		4	69.17
	5	48.46		5	58.96		5	69.46
	6	48.75		6	59.25		6	69.75
	7	49.04		7	59.54		7	70.04
	8	49.34		8	59.84		8	70.34
	9	49.63		9	60.13		9	70.63
	10	49.92		10	60.42		10	70.92
	11	50.21		11	60.71		11	71.21

### **1.C.14. Retired Members' Privileges**

Retired members not on active duty are entitled to wear the prescribed uniform of the grade or rate held on the retired list when wearing the uniform is appropriate. They may enjoy the privileges of the commissary stores, ship's service stores, small stores, officer clubs as appropriate to their grade, and armed services exchanges subject to the availability of facilities. Subject to the availability of space and facilities and staff capabilities, retired members and their dependents may receive medical care in Uniformed Services medical facilities (e.g., the Public Health Service, Army, Air Force, and Navy) and the benefits of the Uniformed Service Health Benefits Program as applicable. Retired members and dependents may receive one round trip per year on a space-available basis on an MSC vessel if they pay the applicable MSC charges for space-available travel. Retired members and their accompanying dependents are eligible to travel on scheduled AMC flights on a stand-by basis only. Retired members may use their military titles in connection with commercial enterprises.

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### **1.C.15. Retired Members' Obligations**

#### **1.C.15.a. Regulatory Requirements**

Retired members are subject to Coast Guard and Uniform Code of Military Justice regulations. They may be ordered to active duty in time of war or national emergency at the Secretary's discretion, but may be so ordered in time of peace only with their consent.

#### **1.C.15.b. Wearing the Uniform**

Retired members are forbidden to wear the uniform while engaged in non-military, personal, civilian, or business enterprises. Retired members not on active duty residing or visiting in a foreign country shall not wear the uniform except when attending ceremonies or social functions by formal invitation at which the terms of the invitation or the regulation or customs of the country require wearing it.

#### **1.C.15.c. Notification of Address**

All retired members must inform the Commanding Officer, Pay and Personnel Center (RAS) of their address.

#### **1.C.15.d. Clearing Published Materials**

Retired members are not required to submit for review materials they have prepared for publication. However, if the topic touches upon a national security issue, it is advisable for the author to submit it for clearance. Consult the Public Affairs Manual, COMDTINST M5728.2 (series), or contact Commandant (CG-0922) for guidance.

**1.C.15.e. Foreign Visits**

Retired members desiring to visit foreign countries and places outside the United States continental limits shall comply with instructions listed in Article 1.J. of reference (s), Military Civil and Dependent Affairs, COMDTINST M1700.1 (series).

**1.C.15.f. Foreign Employment**

Retired members contemplating employment by a foreign government or a company owned by a foreign government must submit a written request to Commandant (CG-122), for retired regular members, or Commandant (CG-131) for retired Reservists, before accepting such employment. The request process and information required are described in Article 1.L of reference (s), Military Civil and Dependent Affairs, COMDTINST M1700.1 (series).

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## **1.D. Dependency or Hardship Discharges**

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### **1.D.1. Discussion**

Commander (CG PSC-EPM-1) or (CG PSC-OPM-1) may authorize or direct enlisted members' and officers' discharge for dependency or hardship. Commanding officers will inform members who desire to request a discharge for dependency or hardship reasons of this information, which explains policies and procedures. Commanding officers should clearly explain to each member submitting a request is not assurance the Commandant will approve the discharge. Each request of this nature is carefully and sympathetically considered and decided on its individual merits.

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### **1.D.2. Policies Governing Discharge**

- a. In general, the following circumstances or reasons do not qualify for discharge:
  - (1) Purely financial or business reasons.
  - (2) Personal convenience.
  - (3) The member is under charges or in confinement.
  - (4) The member requires in-patient medical treatment.
  - (5) A member's wife's pregnancy is not in itself a circumstance for which the Commandant will authorize discharge.
- b. Commander (CG PSC-EPM-1) or (CG PSC-OPM-1) will not disapprove a discharge under this Article solely because:
  - (1) The member's services are needed in assigned duties, unless certain circumstances prevail, such as war, in which Service needs would override a bona fide hardship.
  - (2) The member is indebted to the Government, a non-appropriated fund activity, or an individual.
- c. Commander (CG PSC-EPM-1) or (CG PSC-OPM-1) may direct discharge when an undue or genuine dependency or hardship exists, the dependency or hardship is not of a temporary nature, and the conditions have arisen or been aggravated excessively since the member entered the Service. The member must have made every reasonable effort to alleviate the hardship by applying for basic allowance for quarters and voluntary contributions which have proved inadequate. Examples of meritorious cases are those in which the evidence shows either:
  - (1) Due to the death or disability of a member of an individual's family, the Service

- member must support or care for a family member(s); or
- (2) The member's family is undergoing hardship more severe than the normal hardships dependents or families of Coast Guard members encounter.
  - (3) The hardship is long-term or permanent and discharge will eliminate or materially alleviate the condition.
  - (4) No means of alleviation other than discharge are readily available.
- d. Undue hardship does not necessarily exist solely because of altered present or expected income or because the member is separated from his or her family and must suffer the inconveniences normally incident to a sea-going military service.
- 

### **1.D.3. Applying For Discharge**

After reviewing this Article's contents (commanding officers must assist enlisted personnel by explaining the Commandant's policy), a member may apply in writing for discharge for dependency or hardship to Commander (CG PSC-EPM) or (CG PSC-OPM) through the commanding officer. Commanding officers should give sympathetic consideration and assistance in preparing this request. At least two affidavits substantiating the dependency or hardship claim and establishing the dependency or hardship occurred after entry into the Service must accompany such requests. When practical the dependent concerned should provide one such affidavit. The request should contain the following additional information:

- a. Reason in full for request.
  - b. Dependent's complete home address and occupation.
  - c. Names and addresses of persons familiar with the situation.
  - d. Statement of marital status and date of marriage.
  - e. Detailed amounts of financial and any other means of contribution to dependent(s).
  - f. Names, ages, occupations, and monthly income of the individual's family members, if any; the reasons why they cannot care for or support the individual's family; and a statement no family members have been omitted.
  - g. If dependency results from the death of an individual's family member that occurred after the Service member entered the Coast Guard, the member must furnish a death certificate or other valid proof of death. If dependency or hardship results from the disability of an individual's family member occurring after entry into the Service, the member shall furnish a physician's certificate showing specifically when such disability occurred and its nature.
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**1.D.4. Commanding Officer's Actions**

The commanding officer shall interview the member to elicit any further information and ensure he or she has furnished the information this Article requires. The commanding officer's endorsement shall include a definite recommendation for approval or disapproval. Enlisted members' endorsement shall also state the status of any disciplinary action pending and list Service schools attended.

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**1.D.5. Safeguarding Privacy**

Commands shall safeguard any information about the private affairs of Coast Guard members or their families and not disclose it or its source to persons except in the course of their official duties.

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**1.D.6. Social Service Agencies' Reports**

Commanding officers shall not request information and reports from the American Red Cross or other social service or welfare agencies about a member's "home conditions" when a member submits or desires to submit a request for discharge for dependency or hardship. If the commanding officer receives a Red Cross or other agency report relevant to the case, he or she should send it to Commander (CG PSC-EPM-1) or (CG PSC-OPM-1) for consideration. Commander (CG PSC-EPM) or (CG PSC-OPM) will request information in individual cases from the Red Cross or other agencies if such action is advisable.

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**1.D.7. Type of Discharge**

Commander (CG PSC-EPM) or (CG PSC-OPM) shall grant a member separated for dependency or hardship an honorable or discharge, as appropriate under Articles 1.A.2. or 1.B.2.f. of this Manual.

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**1.D.8. Involuntary Discharge**

If a commanding officer recommends an involuntary discharge under this Article for an enlisted member whose service record indicates issuance of a general discharge, he or she shall afford the member an opportunity to consult with legal counsel before initiating such action. Commander (CG PSC-EPM-1) may be require the member to surrender his or her uniform under Article 1.B.36.e. of this Manual.

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**1.D.9. Release to Reserve**

Members separated for hardship or dependency will not be released to the Reserve.

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**1.E. Reserved**

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The Temporary Separations (TEMPSEP) policy has been moved to Temporary Separations, COMDTINST M1040.6 (series)

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## **CHAPTER 2      DISABILITY RETIREMENT AND SEVERANCE PROCEDURES**

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### **2.A.      Retaining Personnel Unfit for Continued Service on Active Duty**

#### **2.A.1.      Policy**

##### **2.A.1.a.      General**

This section prescribes procedures under which certain active duty members of the Coast Guard who are eligible for retirement or separation because of physical disability may remain on active duty in a limited assignment status on approval of their application for waiver.

##### **2.A.1.b.      Primary Objective**

The primary objective of this program is to conserve human resources by effective utilization of needed skills or experience. A member who is unfit for continued service has no inherent legal or vested right to be continued on active duty, and disapproval of a request for retention has no bearing on the disposition of a case processed under the provisions of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series).

##### **2.A.1.c.      Needs of the Service**

Each case involving a request for retention on active duty in a limited assignment status shall be considered individually, with decisions based on the Service's needs.

##### **2.A.1.d.      On Completing 20 Years' Service**

A member found unfit for continued service by reason of physical disability who is retained on active duty on completing 20 years' service normally will be processed for physical disability separation or retirement.

##### **2.A.1.e.      More than 20 Years' Service**

Members, particularly those with more than 20 years of active duty service, shall not remain on active duty unless their retention is justified as being of value to the Coast Guard. Such members shall not remain solely to increase their monetary benefits.

##### **2.A.1.f.      Unfit for Continued Service**

Members who are unfit for continued service will not be retained on active duty unless they so request.

**2.A.1.g.      Reevaluation at Time of Ultimate Retirement or Separation**

A member retained on active duty under the provisions of this section will not be penalized for such service. At the time of ultimate retirement or separation, the member's physical condition will be reevaluated and documented to indicate whether the impairment(s) have remained the same, increased in severity, improved, or been cured. The case will then be referred to the Informal Physical Evaluation Board (IPEB). Since the unfit for continued service finding was established by a previous board, a member whose condition has remained the same or increased in severity will be found unfit for continued service because the basis for that finding is still present. A member whose condition has improved, or been cured will be reevaluated to determine whether the existing impairment(s) still render the member unfit for continued service by reason of physical disability.

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**2.A.2.      Criteria**

**2.A.2.a.      Considerations**

Commander (CG PSC) will consider retaining on active duty in a limited assignment status members who, although unfit because of physical disability, meet these criteria:

- (1) The member possesses a special skill for which there is a specific Service need.
- (2) The member's physical condition is such he or she can perform duty requiring their special skill.
- (3) Retention will not jeopardize their health nor their associates' health.
- (4) The disability is stabilized and is not likely to require frequent absence from duty.
- (5) The member should have at least 18 years but less than 20 years service.

**2.A.2.b.      18 Years Service**

Members who have at least 18 but fewer than 20 years service when they are found unfit for continued service or who remain on active duty under Article 2.A.2 a. of this Manual who attain 18 years of service will remain on active duty until they complete 20 years of service if they meet these criteria:

- (1) They can perform useful service in an established billet for their grade, specialty, or rating.
  - (2) Their retention will not be detrimental to their health nor a hazard to their associates.
-

### **2.A.3. Procedure**

#### **2.A.3.a. Physical Disability Evaluation System**

The following procedures have been implemented in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series).

- (1) Members may append a request for retention on active duty to their Medical Board at the time they sign the Evaluatee's Statement Regarding the Findings of the Medical Board Report, Form CG-4920, acknowledging the medical board findings. The request for retention then will be forwarded along with the Medical Board. Concurrent action will be taken on their request by Commander (CG PSC-OPM-1) or (CG PSC-EPM-1) and the Informal Physical Evaluation Board (IPEB), and a coordinated reply transmitted with the IPEB findings for the acceptance or rejection of the member. This procedure is intended for, but not limited to, those members that are within six months of eligibility for a normal 20 year retirement.
- (2) Members who have not previously requested retention on active duty, but who subsequently are found unfit for continued service by the IPEB, may request retention on active duty. If they desire, the members may make an acceptance of the IPEB findings conditional upon approval of the retention request.
- (3) In the case of those members with more than 18 years but fewer than 20 years active duty, who have not requested retention as described in Article 2.A.3.a.(1) of this Manual, the IPEB will append to any unfit for continued service finding a specific opinion as to whether or not the member meets the medical requirements for retention established in this chapter. This provision is intended to encourage members who are approaching eligibility for a normal 20 year retirement to conditionally accept the IPEB findings and request retention on active duty.

#### **2.A.3.b. Unfit for Continued Service**

Members found unfit for continued service by a Formal Physical Evaluation Board (FPEB) may submit a request for retention on active duty to Commander (CG PSC-OPM-1) or (CG PSC-EPM-1).

#### **2.A.3.c. Appeal Process**

When the Physical Review Council (PRC) or the Physical Disability Appeal Board (PDAB) has determined that a member is unfit for continued service, the member may request retention on active duty.

#### **2.A.3.d. Requesting Retention**

A member desiring retention on active duty in all circumstances should submit a letter request addressed to Commander (CG PSC-OPM-1) or (CG PSC-EPM-1) with copy to

(CG PSC-PSD-de) and suitably endorsed with regard to applicable criteria contained in Article 2.A.2.a. or 2.A.2.b. of this Manual.

**2.A.3.e. Commander, Coast Guard Personnel Service Center**

Based on the policy contained in Articles 2.A.1. and 2.A.2. of this Manual, Commander (CG PSC) determines whether to retain the member or proceed with physical disability retirement or separation proceedings.

**2.A.3.f. Letter Notification**

In addition to any other notification, Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate, will respond by letter to all requests for retention. When retention on active duty is approved, the requirements for periodic evaluation, renewal and termination of retention when Not Fit for Duty (NFFD) will be specified.

**2.A.3.g. Death Imminent/Expedited Review Process**

In the event of catastrophic injury, and when a member's death may be imminent, the member's command is responsible for initiating the Expedited Review process by immediately notifying the Flag Plot Duty Officer at the Coast Guard Headquarters Command Center. The purpose of the Expedited Review process is to provide a member, whose death is imminent, with the counsel to represent the member's best interests, and an opportunity to make timely decisions that will maximize applicable benefits for the member's dependents. Failure to initiate the Expedited Review process as soon as it is determined that the member's death may be imminent could prevent the process from being completed before the member's death and jeopardize the eligibility of the member's dependents for applicable benefits.

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**2.A.4. Periodic Evaluation and Renewals**

**2.A.4.a. Approvals for Retention**

Approvals for retention on active duty will be granted for periods up to one year. Before the end of the one-year period, the member shall undergo a physical examination and reevaluation of the specified condition(s) that were the basis for the unfit for continued service findings to determine whether to terminate retention on active duty, continue retention, or a return to a full duty status is warranted. Annual examinations shall be prepared in Medical Evaluation Board format in accordance with reference (c), Physical Disability Evaluation System, COMDTINSST M1850.2 (series), with particular emphasis on any changes in the conditions for which the member initially was found fit for limited duty (FFLD), prognosis, and ability to continue in an FFLD status if further retention is approved. The examination shall be sent to Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate. The member's commanding officer shall insert the words "Retention Waiver Reevaluation" across the top of the Medical Board cover sheet. The commanding officer also shall attach a copy of the retention authorization then in

effect and adds an endorsement similar to that provided for in Article 2.A.3.d. of this Manual in case the request is for continued retention.

**2.A.4.b. Determination**

Commander (CG PSC) will decide in accordance with the policy contained in Article 2.A.1. of this Manual and criteria in Article 2.A.2. of this Manual. The decision will be to grant an additional period of retention or proceed with disability retirement or separation proceedings.

**2.A.4.c. Active Duty Termination**

When retention on active duty is to be terminated, it is important that a thorough exam in the format of an Medical Evaluation Board be conducted to determine whether the evaluatee's original condition has changed, and to identify any new impairments. This Medical Evaluation Board shall be submitted to the IPEB so that final adjudication can be started in the disability process.

**2.A.4.d. Retention for Fewer than Six Months**

There is no requirement to reevaluate disability or a new Medical Board if the period of retention is fewer than six months from the date the IPEB or FPEB initially found the member NFFD.

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**2.A.5. Aviation Rating Personnel in a Non-Flying Status**

In exceptional cases, Commander (CG PSC-EPM-1) will consider retaining an individual in an aviation rating in a non-flying status until eligible for retirement subject to all these conditions:

- a. The member possesses an above average proficiency in an aviation rating for which the Service has a specific need.
  - b. The member can perform useful service in an established billet for their rate and rating.
  - c. The member's retention will not jeopardize his or her own or associates' personal health.
  - d. The member is in pay grade E-6 or above with at least 16 years of service for retirement eligibility.
  - e. The member submits a written request to Commander (CG PSC-EPM-1) to remain on active duty until completing 20 years' active service.
-

**2.A.6. Terminating Active Duty when Unfit for Continued Service**

**2.A.6.a. Disapproval of Continued Service**

Any member retained on active duty under the provisions of this section whose continued retention has been disapproved by Commander (CG PSC), shall be processed in accordance with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), for disability separation or retirement.

**2.A.6.b. Limited Duty Termination**

Any member retained on active duty under the provisions of this section who request termination of this limited duty status shall be processed in accordance with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series).

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## **2.B. Final Action on Physical Evaluation Boards**

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### **2.B.1. Authority to Take Final Action**

#### **2.B.1.a. Approval of Proposed Findings**

In the Physical Disability Evaluation System (PDES), final action consists of approving specific proposed findings and a disposition of an active duty or retired on temporary disability member and providing the authority to implement the approved disposition.

#### **2.B.1.b. Authority to Take Final Action**

Authority to take final action for the Coast Guard on Informal Physical Evaluation Board (IPEB), Formal Physical Evaluation Board (FPEB), Physical Review Council (PRC) and Physical Disability Appeal Board (PDAB) recommendations, findings, dispositions or modifications thereto is reserved to the Commandant and such other officers designated in the Delegation of Authority, HQINST 5402.3 (series) as follows:

- (1) Commandant: Fit for Duty (FFD) cases involving flag officers.
- (2) Secretary of Homeland Security: All other cases of Not Fit for Duty (NFD) involving flag officers.
- (3) Commandant, Vice Commandant, or Chief of Staff: Specific cases in which the Commandant (CG-1) has acted as the President, Physical Disability Appeal Board.
- (4) Commandant (CG-1): All other cases.
- (5) Commander (CG PSC).

#### **2.B.1.c. Findings, Dispositions, or Modifications**

Findings, dispositions or modifications thereto, made in accordance with the provisions contained in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), are only recommendations. They are subject to modification by competent authority, until made final by the Commandant or such officers as may be designated herein.

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### **2.B.2. Final Action Procedure**

#### **2.B.2.a. Officers Authorized to Take Final Action**

Officers authorized to take final action on Physical Evaluation Board may:

- (1) Approve the recommended findings and disposition of disability boards appropriately transmitted in accordance with reference (c), Physical Disability Evaluation System,

COMDTINST M1850.2 (series), for final action; or,

- (2) Accept and approve a minority report or any other recommendation or make independent substitute findings and/or disposition; or,
- (3) Refer the case to any board in the PDES for development of additional information or further consideration of any aspect of the case, stating the reasons therefore.

**2.B.2.b. Submitting a Rebuttal to Board Findings**

When the Commandant or his or her designee proposes to accept a minority report or other recommendation or makes independent substitute findings and/or disposition which would either affect the ultimate disposition of the evaluatee as defined in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), or decrease the evaluatee's temporary or permanent disability retired pay, the evaluatee first is given an opportunity to submit a rebuttal in the manner prescribed in reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), provided the evaluatee has not previously had an opportunity to submit a rebuttal on the same question.

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**2.B.3. Disposition of Evaluatee Before Final Action**

**2.B.3.a. Assignment While Undergoing Evaluation**

Personnel undergoing evaluation in the physical disability evaluation system normally are not assigned to a new permanent change of station until the physical disability evaluation process is completed. Temporary duty orders may be issued to the evaluatee to obtain additional medical evidence for a disability hearing, appear before a hearing considering the evaluatee for administrative separation other than for physical disability, or such temporary additional duties not deleterious to the evaluatee's medical condition. Evaluatees may be transferred to a home awaiting orders status in accordance with Chapter 2 of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).

**2.B.3.b. Interim Duty Status**

If sick leave or Home Awaiting Orders Status (HAOS) is indicated, the evaluatee's commanding officer shall request authority from Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate, to take such action. Consideration shall be given to the following factors, in assigning and maintaining a specific interim duty status:

- (1) Limited Duty. When limited duty is assigned pending disposition of the case, evaluatees shall be assigned to duties which they can be used effectively without detriment to their physical or mental health.
- (2) Sick Leave. Sick leave may be assigned when an evaluatee is undergoing medical treatment other than hospitalization and cannot perform assigned duties. Sick leave

shall normally be granted only when the evaluatee is expected to eventually return to a fit for duty status. The provisions of Article 2.A.5.f. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series), apply to the granting of sick leave.

- (3) Hospitalization. When continued medical treatment is recommended by the FPEB, an evaluatee who is hospitalized at the time will be retained in that status. When hospitalization is no longer necessary, the evaluatee shall be assigned an appropriate status consistent with the provisions of this Article. The evaluatee shall also receive such followup care as necessary. Care from civilian sources shall be in accordance with reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series).
  - (4) HAOS. An evaluatee found unfit for continued service may be placed in HAOS when approved by Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate. HAOS normally is used only when the evaluatee cannot perform useful duties commensurate with pay grade at the unit, pending final resolution of the case after the IPEB has rendered a finding of unfit for continued service. On approval of HAOS, the commanding officer shall ensure compliance with Article 2.A.5.e. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).
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## **2.B.4. Final Action When Fit for Duty**

### **2.B.4.a. Approval of "Fit for Duty" Status**

If a recommendation of "fit for duty" is approved, Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate, informs the evaluatee, who then returns to duty and, where applicable, the evaluatee retires or is discharged or released to inactive duty as appropriate under other provision of law or regulations.

### **2.B.4.b. Temporary Disability Retired List**

If the evaluatee is on the temporary disability retired list (TDRL), these provisions apply:

- (1) Officers. When appropriate, an officer found fit for duty on the TDRL shall be ordered to active duty as a retired officer, with his or her consent. Commander (CG PSC-OPM-1) shall also initiate action to reinstate the officer's commissioned or warrant status. For an officer found fit for duty who originally was to be retired, discharged, or released to inactive duty under some other provisions of law or regulations, that action shall be completed expeditiously.
- (2) Enlisted Members. An enlisted member on the TDRL who is found fit for shall be afforded the opportunity to reenlist and shall be notified of the following by Commander (CG PSC-EPM-1):
  - (a) Upon presentation of the notification of the fit for duty finding to any Coast

Guard recruiting office within 15 working days, the member shall be reenlisted, provided the member is qualified. There will be no further physical examination for the impairments for which temporarily retired.

- (b) Reenlistment will be effected in the grade and rating in which the member served on the date prior to retirement. If placed on the TDRL in a grade higher than that held on the day prior to retirement, the member shall be reenlisted in the lower grade.
  - (c) Status on the TDRL and disability retirement pay shall be terminated either on the day prior to reenlistment or on the 15th day from the date the letter of notification is postmarked, if the evaluatee does not reenlist.
  - (d) If the member has a Reserve obligation and does not reenlist, the member shall be transferred to or retained in the Reserves to complete such obligation. All time during which the evaluatee's was on the TDRL shall be counted toward the completion of the Reserve obligation.
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## **2.B.5. Final Action When Not Fit for Duty**

- a. If an evaluatee is found "not fit for duty" because of a condition which is not a disability per reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), the evaluatee will be separated without benefits.
  - b. If an evaluatee has both a condition that is not a disability, and also a ratable disability, the evaluatee is entitled to benefits only if the ratable disability, considered alone, is determined to render the evaluatee not fit for duty.
  - c. If an evaluatee meets the provisions of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), orders shall be issued for the evaluatee's separation with severance pay or retirement, as applicable. See reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series).
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## **2.B.6. Effective Date of Disability Retirement or Separation**

### **2.B.6.a. Date of Separation or Retirement**

- (1) When temporary or permanent disability retirement or disability separation is directed, the effective date of such retirement or separation normally is 20 working days following the date of Commander (CG PSC)'s action. If every effort has been made to meet the separation date within the 20 working day period, but it proves impossible to complete the separation processing (shipment of household goods, OUTCONUS to CONUS transfer, etc.) within that timeframe, then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the separation processing may be authorized by Commander (CG PSC-EPM) for enlisted or Commander (CG PSC-OPM) for officers. Commanding officers

must submit a request, via message, for an extension of the separation date and must outline the additional time needed and the reason(s) for the extension.

- (2) The separation or retirement date may be delayed for not more than 24 months if a member has requested, retention on active duty in accordance with the provisions of Article 2.A. of this Manual and the member's request has been approved. In all other areas in which requests for retention on active duty have been approved, final action will be held in abeyance until there has been final reconsideration of recommended findings and disposition as provided for in Article 2.A.1.g. of this Manual.

#### **2.B.6.b. Retaining Commissioned Officers**

In the case of commissioned officers, the Coast Guard must make every effort to evaluate a member's physical disability prior to a mandatory retirement or discharge date. However, except as provided in Article 1.C.6.b. of this Manual for chief warrant officers, if every effort has been made to meet the mandatory date, but it proves impossible to complete physical disability processing then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the physical disability determination may be authorized by Commandant (CG-1).

#### **2.B.6.c. Retention Beyond Expiration of Enlistment**

Enlisted members, whose enlistment expires prior to completion of the evaluation of their physical status, may be retained with their consent for a period not to exceed six months in accordance with the provisions of Article 1.B.11.f.(1)(a). of this Manual. They may be retained without their consent for a period not to exceed 30 days in accordance with the provisions of Article 1.B.11.i. of this Manual.

#### **2.B.6.d. Request for Retirement or Discharge**

Whenever evaluatees for personal reasons desire retirement or discharge at the earliest possible date, they may submit a written request to do so to Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate. In such a case an evaluatee shall request retirement or discharge be effected without delay on completing review and final action on the record of proceedings of the IPEB or FPEB, as applicable. See reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series). Commanding officers of evaluatees shall advise Commander (CG PSC-OPM-1) or (CG PSC-EPM-1), as appropriate, by message immediately on receiving the evaluatee's request.

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#### **2.B.7. Retirement or Separation for Other Reasons**

Evaluatees who meet all qualifications for physical disability retirement but also qualify for retirement or separation for other reasons may, prior to the effective date of retirement, request the Commandant to take no action on the record of proceedings of the Physical Evaluation Board in their case so they may request and retired or be separated for reasons other than physical disability. (See Articles 1.A. and 1.B. of this Manual.)

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## **CHAPTER 3      Enlisted High Year Tenure**

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### **3.A.            Discussion**

High year tenure (HYT) is a workforce management tool that establishes limits on the active military service time an active duty enlisted member can complete based on their pay grade. HYT is designed to increase personnel flow, compel members to advance in their rating, and allow more consistent training and advancement opportunities for the enlisted workforce.

#### **3.A.1.        Authority**

The legal authority for this policy is 10 U.S.C. §1169.

#### **3.A.2.        Covered members**

This policy applies to active duty component enlisted members only. Reserve enlisted members, including those on extended active duty, shall follow guidance in reference (i), Reserve Policy Manual, COMDTINST M1001.28 (series).

#### **3.A.3.        Other policies and laws**

##### **3.A.3.a.     Physical Disability**

Reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), shall take precedence over HYT policy for active duty enlisted members awaiting a fit for duty (FFD) determination. See Article 3.E.2 for specific policy.

##### **3.A.3.b.     Misconduct**

Commander (CG PSC-EPM) may extend a member involuntarily pending the disposition of any offense past their required HYT separation date.

##### **3.A.3.c.     Members in the pay grade E-9**

Reference (t), Command Senior Enlisted Leader Program, COMDTINST 1306.1 (series), shall take precedence for members in the pay grade of E-9 who wish to remain on active duty past their HYT retirement date.

### **3.B. Definitions**

#### **3.B.1. Active military service and Time in Service**

All active duty and active duty for training in the United States Army, Navy, Air Force, Marine Corps, and Coast Guard or any component of these services (10 U.S.C. §101). A member's total active military service is reflected in their active duty base date (ADBBD). For this chapter, the term "time in service" is equivalent to the term "active military service."

#### **3.B.2 . Professional growth point (PGP)**

The maximum amount of active military service a member can have for their current pay grade.

#### **3.B.3. HYT candidate**

##### **3.B.3.a. Members in the pay grade E-1 to E-2**

A member in the pay grade E-1 or E-2 shall not extend or re-enlist, regardless of time in service.

##### **3.B.3.b. Members in the pay grade E-3 to E-8**

A member whose active military service time is greater or equal to their PGP each year on 31 December, beginning 2015. Regardless of the exact date a member passes their PGP during a calendar year, 31 December will be the cut-off that determines whether or not a member is a HYT candidate. The member shall become a candidate on 31 December. Members are responsible for knowing their ADBBD and understanding when they become a HYT candidate.

##### **3.B.3.c. Members in the pay grade E-9**

All members in the pay grade E-9 are subject to HYT and shall submit a retirement request in accordance with Section 3.G. and 3.H. of this Manual.

#### **3.B.4. HYT PGP waiver**

A waiver from this policy granted by Commander (CG PSC-EPM) allowing the member to continue on active duty past the required separation or retirement date listed in Article 3.H. of this Manual. This is separate and distinct from a waiver described in Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series).

**3.B.5. CSEL waiver**

A waiver for members based on assignments as described in reference (t), Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series).

**3.C. Professional Growth Point Table**

The current PGPs in use are listed below. PGPs will be updated based on the needs of the Service.

Grade	Professional Growth Point
E-1 and E-2	Completion of enlistment contract. Cannot reenlist or extend.
E-3 and E-4	Ten years active military service.
E-5	Sixteen years active military service.
E-6	Twenty years active military service.
E-7	Twenty-four years active military service.
E-8	Twenty-six years active military service.
E-9	Thirty years active military service (see Article 3.H. of this Manual for additional details).

**3.D. Advancements and reductions in pay grade****3.D.1. Advancements****3.D.1.a. Eligibility to advance**

- (1) Members whose active military service time exceeds their PGP are allowed to advance if that advancement occurs on or before 31 December of the year they reach their PGP.
- (2) HYT candidates, (i.e., those members whose active military service time is greater or equal to their PGP on 31 December) are not eligible to advance after 31 December, unless authorized by a waiver covered in Article 3.H of this Manual. These advancements shall be withheld by Commander (CG PSC-EPM) until HYT PGP waiver results are announced. Commander (CG PSC-EPM) shall advance the next eligible member as appropriate. HYT candidates who do not receive a HYT PGP waiver with the advancement option shall lose their advancement. If a waiver is approved with the ability to advance, the advancement date will not be retroactive.

**3.D.1.b. PGP after advancement**

Upon advancement to the next higher pay grade, a member shall immediately be subject to the next higher pay grade's PGP. If they advance on or before 31 December, they shall not be a HYT candidate unless they exceed the PGP of their new pay grade.

**3.D.1.c . Withholding advancements for other reasons**

If withholding the advancement for another reason, such as exceeding body fat, results in the member becoming a HYT candidate, then the member shall follow the HYT policy requirements.

**3.D.2. Reduction in pay grade for any reason**

If a member is reduced in pay grade, the reduction may place the member beyond the reduced pay grade's HYT PGP because the member will have more active military service than the reduced pay grade permits.

**3.D.2.a. New PGP upon reduction**

- (1) Members reduced from pay grade E-6 and below shall maintain the PGP of one pay grade above the pay grade to which they are reduced.
- (2) Members shall keep the PGP in accordance with (1) of this section for 36 months from the date of reduction. At the end of the 36 months, the member shall assume the PGP of their existing pay-grade, regardless of their previous pay-grade.
- (3) Members reduced from pay grade E-7 and above shall immediately assume the PGP of the pay grade to which they are reduced.

**3.D.2.b. Change in rate limitations**

Members who request a change in rate must adhere to HYT requirements. Commander (CG PSC-EPM) will normally deny requests if the member is unlikely to advance before they exceed their new PGP. Requests may be denied for such reasons as Service needs, conduct, performance, or training opportunities.

**3.D.3. Prior service pay grades and Reserve pay grades**

Members shall not use prior service pay grades or Coast Guard Reserve pay grades to determine their PGP.

**3.E. Reenlistments and extensions**

**3.E.1. Contract length**

Members may reenlist or extend their enlistment in accordance with reference (l), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series). Regardless of their end of contract date, HYT candidates shall separate, or retire if eligible, in accordance with Chapter 3.G. of this manual.

**3.E.2. Physical disability evaluation system**

The PDES process does not exempt a member from becoming a HYT candidate. Members undergoing the physical disability evaluation system (PDES) process shall not be separated or retired for HYT until the PDES process is complete.

**3.E.2.a Fit for duty finding**

(1) If a HYT candidate does not receive a HYT PGP waiver and is rated fit for duty, they shall be processed for separation or retirement when the PDES process is complete or the date required in Article 3.H, whichever is later.

(2) If a HYT candidate receives a HYT PGP waiver and is rated fit for full duty, they shall be processed for separation or retirement by the required date in Article 3.H.

**3.E.2.b. Not fit for duty finding**

All members found to be not fit for duty, regardless of HYT candidate status or HYT PGP waiver status shall be separated in accordance with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series).

**3.F. Obligated service**

HYT policy takes precedence over obligated service. Members may be denied opportunities that result in obligated service past the required separation or retirement date specified in Article 3.H. or the HYT PGP waiver expiration date, whichever is later. Examples include tuition assistance, full time education, and transfer of G.I.Bill benefits to dependents. Commander (CG PSC-EPM) shall take into account a member's PGP when making assignments that result in obligated service.

**3.G. Separation**

Commander (CG PSC-EPM) will separate, or retire if requested and retirement eligible, HYT candidates who do not receive a HYT PGP waiver or other exemption.

**3.G.1. Timeline**

**3.G.1.a. E-3 to E-8**

All HYT candidates (E-3 to E-8) will separate, or retire if requested and retirement eligible, no later than 1 September of the year following the year their active military service time exceeds their PGP, unless granted a HYT PGP waiver.

**3.G.1.b. E-9 with a CSEL waiver**

Members who receive a waiver as described in reference (t), Command Senior Enlisted Leader Program, COMDTINST 1306.1 (series), such as Gold Badge/RFMC, shall retire at the end of their assignment.

**3.G.1.c. E-9 without a CSEL waiver**

Members who do not receive a waiver as described in reference (t), Command Senior Enlisted Leader Program, COMDTINST 1306.1 (series), shall retire as follows:

- (1) Members who reach 30 years active military service between 1 January and 31 August shall retire on 1 September of the year they exceed their PGP.
- (2) Members who reach 30 years active military service between 1 September and 31 December shall retire on the first day of the next month after they reach 30 years active military service.

**3.G.2. Nature of discharge or retirement**

**3.G.2.a. Narrative reason**

- (1) Narrative reason for discharge is Maximum Service or Time in Grade and the separation is involuntary.
- (2) Narrative reason for retirement is Maximum Service or Time in Grade and the separation is voluntary.

**3.G.2.b. Limitation of boards**

- (1) An administrative separation board is not authorized for members discharged due to HYT.
- (2) Because the HYT policy covers discharges and retirements, an involuntary retirement board described in 14 U.S.C. §357 is not authorized for members separated due to HYT.

**3.G.3. Requesting an Earlier Separation Date**

The member may request to Commander (CG PSC-EPM) to be separated or retired, if eligible, due to HYT, up to six months prior to their required separation date. In this case, the nature of the separation is involuntary.

### **3.G.4. Separation Pay**

#### **3.G.4.a. Eligibility**

- (1) HYT candidates may be eligible for separation pay if they are not retirement eligible. (10 U.S.C. 1174 (e) (2) (A)).
- (2) HYT candidates are not eligible for separation pay, if at the time of their required separation:
  - a. they are eligible for retirement, or
  - b. They refuse or do not complete the service required by a waiver specified in 3.H. of this manual that would have made them eligible for retirement.
- (3) Computing separation pay shall be made in accordance with reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series).

#### **3.G.4.b. Affiliation with the Coast Guard Reserve**

Members shall not receive separation pay unless they agree to affiliate with the Coast Guard Reserve in accordance with 10 U.S.C. §1174 and follow guidance in reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), including recouping the separation pay after earning a military retirement.

### **3.H. HYT PGP and CSEL waivers**

#### **3.H.1. Granting waivers**

##### **3.H.1.a. Authority**

- (1) Commandant (CG-1) shall determine, for each rate (defined in 10 U.S.C. §101):
  - a. The maximum number of HYT PGP waivers to be granted.
  - b. Whether the HYT PGP waivers shall allow advancement. For each year, all members in a rate shall be treated equally with regards to the ability to advance while on a waiver.
- (2) Commander (CG PSC-EPM) is the sole waiver granting authority for HYT PGP waivers.

- (3) Commander (CG PSC-EPM) shall determine the length of each waiver granted. The length of the waiver does not need to be the same for every member in a rate for that year.
- (4) Commander (CG PSC-EPM) shall announce which HYT candidates are eligible to request a waiver at least thirty days before convening a HYT PGP waiver panel.
- (5) HYT candidates who are not named in this announcement shall separate or retire as required by 3.G. of this Manual.
- (6) Commander (CG PSC-EPM) may extend service beyond 30 years for members in pay grade E-9 who are selected for a Gold Badge Command Master Chief (CMC) or Rating Force Master Chief (RFMC) position in accordance with reference (t), Command Senior Enlisted Leader Program, COMDTINST 1306.1 (series).

### **3.H.1.b. HYT Candidates**

- (1) Members who do not have to request a waiver per 3.H.1.a.(1).a. of this Manual shall respond to Commander (CG PSC-EPM) as directed.
- (2) Members who are eligible to submit a HYT PGP waiver per 3.H.1.a.(3) of this Manual may submit a waiver request to Commander (CG PSC-EPM) as directed.
- (3) Members in the pay grade E-9 shall not receive a HYT PGP waiver, and should compete for a CSEL assignment to remain on active duty past their required retirement date.

### **3.H.1.c. Waiver length**

HYT PGP waivers will typically be granted for one to three years based on the needs of the Service, and will normally expire on 1 September of the applicable year. Commander (CG PSC-EPM) may extend an existing waiver based on the needs of the Service.

## **3.H.2. Service while on a HYT PGP waiver**

### **3.H.2.a. Other separation policies**

All members who have been granted a waiver to their HYT PGP shall be subject to all Coast Guard policies and processes. All other separation policies, including misconduct, maximum allowable weight, DUI, or other alcohol/substance abuse offenses, etc. are in effect and may result in a member separating or retiring prior to the expiration of the waiver. Separation as a result of these policies may impact separation pay.

**3.H.2.b. HYT PGP waiver reenlistments and extensions**

A member with an approved HYT PGP waiver may extend their enlistment past the expiration of the waiver. However, the HYT policy takes precedence and the member will separate at the expiration of the waiver.

**3.H.2.c. HYT PGP waiver advancement**

- (1) Members are not allowed to advance the calendar year when the waiver expires.
- (2) HYT candidates who advance in accordance with their waiver shall assume the PGP of their new pay grade.
- (3) If the member's active military service time is below the new PGP, the member shall no longer be a HYT candidate and the HYT PGP waiver will be cancelled, otherwise the member will maintain their original waiver and separation date.
- (4) Any subsequent reduction in pay grade after the HYT PGP waiver is cancelled will be treated in accordance with Article 3.D.2. of this Manual.

**3.H.3. HYT PGP waiver cancellations****3.H.3.a. Authority**

Commander (CG PSC-EPM) is the sole authority for HYT PGP waiver cancellations.

**3.H.3.b. Reasons for cancellation**

A HYT PGP waiver may be cancelled for any reason and at any time, generally based on the member's poor performance or inability to meet any conditions specified in the waiver.

**3.H.3.c. Appeal**

A waiver cancellation may not be appealed.

**3.H.3.d. Separation or retirement date**

Members must separate, or retire if requested and eligible, as a result of the waiver cancellation within six months of the cancellation or by the expiration of the waiver, whichever is sooner.